

EXHIBIT D

In The Matter Of:
SARAH GOOLDEN v.
HAMED WARDAK

SARAH GOOLDEN
May 1, 2023

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<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF NEW YORK 3 SARAH GOOLDEN, -X 4 Plaintiff, 5 -against- Index No. 6 HAMED WARDAK, 19-CV-6257 7 8 Defendant. -X 9 May 1, 2023 10 10:06 a.m. 11 12 VIRTUAL DEPOSITION of SARAH GOOLDEN, the Plaintiff 13 herein, taken pursuant to Notice, before Maggie J. 14 Klasen, a Court Reporter and Notary Public of the 15 State of New York. 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 3</p> <p>1 IT IS HEREBY STIPULATED AND AGREED by and 2 between the attorneys for the respective parties 3 herein, that filing and sealing be and the same are 4 hereby waived. 5 6 IT IS FURTHER STIPULATED AND AGREED that all 7 objections, except as to the form of the question, 8 shall be reserved to the time of the trial. 9 10 IT IS FURTHER STIPULATED AND AGREED that the 11 within deposition may be signed and sworn to before 12 any officer authorized to administer an oath, with 13 the same force and effect as if signed and sworn to 14 before the Court. 15 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S : 2 3 C.A. GOLDBERG PLLC 4 Attorneys for Plaintiff 5 16 Court Street 6 Brooklyn, New York 11241 7 BY: AURORE DeCARLO, ESQ. 8 9 YANKWITT, LLP 10 Attorneys for Defendant 11 HAMED WARDAK 12 140 Grand Street, Suite 705 13 White Plains, New York 10601 14 BY: BENJAMIN R. ALLEE, ESQ. 15 CONNOR A. HILBIE, ESQ. 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 4</p> <p>1 THE REPORTER: My name is Maggie Klasen, 2 your court reporter. The parties are present 3 remotely to take today's deposition. 4 I ask that everyone please stay close to 5 the microphone so that I can provide the best 6 transcript possible and also so my 7 interruptions will be minimal. 8 Will counsel please state their name, who 9 they represent, and then I will swear in the 10 witness. 11 MS. DeCARLO: For the plaintiff, Sarah 12 Goolden, Aureore DeCarlo from C.A. Goldberg, 13 PLLC. 14 MR. ALLEE: Good morning, again. For the 15 defendant, counter-claimant, Hamed Wardak, 16 Benjamin Allee and my colleague, Connor Hilbie, 17 from Yankwitt LLP. 18 19 SARAH GOOLDEN, 20 having been first duly sworn by the Notary Public 21 (Maggie J. Klasen), and stating her business 22 address as 16 Court Street, 33rd floor, Brooklyn, 23 New York, was examined and testified as follows: 24 THE REPORTER: Will you please state your</p>

<p style="text-align: right;">Page 5</p> <p>1 name and address for the record. 2 THE WITNESS: Sarah Goolden. 16 Court 3 Street, 33rd floor, Brooklyn, New York, 11241. 4 5 EXAMINATION 6 BY MR. ALLEE: 7 Q. Good morning, Miss Goolden. 8 A. Good morning. 9 Q. I understand you were previously deposed 10 in this case and you, presumably, understand a 11 little bit about how depositions work. 12 A. Yes. 13 Q. A couple pointers. If I ask you a 14 question today that's unclear, will you please let 15 me know and I will try to rephrase that question? 16 A. Yes. 17 Q. If you need a break today, for any reason, 18 please don't hesitate to let me know. I will make 19 sure that we take a break at the next opportunity; 20 all right? 21 A. Thank you. 22 Q. I know you understand this, but as a 23 reminder -- everybody could use reminders, please 24 answer audibly to all of the questions so that the</p>	<p style="text-align: right;">Page 7</p> <p>1 A. No. 2 Q. Did you review any documents to prepare 3 for your deposition? 4 A. I looked at the report from the court 5 reporter that was sent from your person. It was the 6 forensic expert, sorry. 7 Q. Sure. Archer Hall? 8 A. I don't know his name, but that must be 9 it. Yeah. 10 Q. That's the entity. Sure. Sure. The 11 forensic expert on the -- on our side, the defense 12 side? 13 A. Yes. Yes. 14 Q. Sure. Did you review any other documents 15 in preparation for today's deposition? 16 A. No. 17 Q. I'm going to be asking you questions today 18 about, among other things, a video recording. It's, 19 approximately, 28 minutes, produced by your counsel 20 on June 28th of 2022. 21 Do you understand the recording I'm 22 referring to? 23 A. Yes. 24 Q. I'll refer to it, for shorthand, as the</p>
<p style="text-align: right;">Page 6</p> <p>1 court reporter can get down what we say. 2 A. Understood. Thanks. 3 Q. Are you clear in your mind today, Miss 4 Goolden? 5 A. Yes. 6 Q. Have you taken any drugs, prescription or 7 otherwise, that impact your ability to think clearly 8 today? 9 A. No. 10 Q. Can you tell me what you did to prepare 11 for today's deposition? 12 A. I spoke to my lawyer. 13 Q. About how many times did you speak to your 14 lawyer to prepare? 15 A. A quick phone call. 16 Q. Was that once? 17 A. Twice. 18 Q. And, roughly, how long were each of those 19 phone calls? 20 A. Five minutes. Maybe 20 minutes for the 21 other one. I don't really recall, specifically, the 22 amount of time, but around that. 23 Q. Did you speak to anybody else about your 24 deposition today?</p>	<p style="text-align: right;">Page 8</p> <p>1 "video recording." 2 So you'll understand me if I say "video 3 recording," that's what I'm referring to? 4 A. Yes. 5 Q. Who took the video recording? 6 A. I took the video recording. 7 Q. When did you take it? 8 A. July 8th, 2018, I believe. 9 Q. What time of day, approximately? 10 A. Morning. 11 Q. Where did you take it? 12 A. Miami. 13 Q. And where, specifically? 14 A. The Bath Club. I think that was the name. 15 Q. And with as much detail as you can, can 16 you tell me where you were when you took the video 17 recording? 18 A. Miami, in your client's apartment. 19 Q. Where in the apartment? 20 A. The bedroom. 21 Q. Was anyone else there? 22 A. Your client. Do you mean in the building, 23 like, in the apartment? 24 Q. In the apartment.</p>

<p style="text-align: right;">Page 9</p> <p>1 A. Stephanie Rafael, Farris El Alwan, your 2 client. 3 Q. Can you spell the names of the first two 4 people for the benefit of the court reporter. 5 A. S-T-E-P-H-A-N-I-E, R-A-P-H-A-E-L. Farris 6 Alwan -- I'm sorry. The spelling might be wrong, if 7 I don't spell it right. I believe, it's 8 F-A-R-R-I-S, E-L, hyphen, A-L-W-A-N. 9 Q. Where, within the apartment, did you take 10 the video recording? 11 A. The bedroom. 12 Q. Mr. Wardak was also in the bedroom? 13 A. Yes. 14 Q. Was anyone else in the bedroom? 15 A. I'm not sure. I don't think so. 16 Q. And when you say, "you're not sure," is 17 that -- are you not sure because you don't remember 18 or because -- or for some other reason? 19 A. I don't remember because there were other 20 people in the apartment and people would, like, come 21 in and out. It was -- there was a lot going on. 22 Q. And you don't recall whether either of the 23 two other folks in the apartment came in or out? 24 A. Yes.</p>	<p style="text-align: right;">Page 11</p> <p>1 A. Yes. 2 Q. Like, the way we all use our phones, you 3 carried it around with you? 4 A. Yes. 5 Q. Did you have any other phones that you 6 used regularly at the time? 7 A. Not in the US, no. I had an -- some old 8 phones -- an old phone, but it didn't work in the 9 US, so I wasn't using it regularly. 10 Q. Why did you take the video recording? 11 A. Because I was scared. 12 Q. Why were you scared? 13 A. Your client terrifies me. 14 Q. And what prompted you to take the 15 recording in that moment? 16 A. Because I was worried he was going to 17 attack me again. 18 Q. Had you previously taken recordings of Mr. 19 Wardak? 20 A. Not of that nature. Potentially, in the 21 past. In a group setting, there may have been 22 videos, but nothing that comes to mind. 23 Q. When you say "not of that nature," what do 24 you mean?</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. Were either of them in or out -- 2 withdrawn. 3 Do you recall that anyone else came in or 4 out of the bedroom that morning and you just don't 5 recall whether it was during the time period of the 6 video recording? 7 A. Yeah. I don't know. 8 MS. DeCARLO: Ben, I'm so sorry. I have 9 to break just for two minutes. I have to deal 10 with an issue here. It will, literally, be two 11 minutes. Very sorry. I'll be right back. 12 MR. ALLEE: Sure. 13 14 (A recess was taken.) 15 16 Q. Miss Goolden, on what device did you take 17 the video recording? 18 A. My phone. 19 Q. What sort of phone is that? 20 A. iPhone. 21 Q. Do you know what model? 22 A. I believe it was the iPhone 10. 23 Q. And was that the phone you regularly used 24 at the time, the iPhone 10?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Like, potentially -- like, throughout the 2 course of that weekend, like, we took a lot of 3 pictures, I think. Maybe people took videos, so I 4 don't know if he may be in the background of videos 5 here or there. But have I, like -- of just him, no. 6 Q. Sure. In your answer two answers ago, to 7 the question, "Had you taken recordings of Mr. 8 Wardak?" You began by saying "not of that nature." 9 What do you mean by that? 10 A. Not of, you know, him threatening me. 11 Q. Had you taken recordings, surreptitiously, 12 of Mr. Wardak ever before the video recording that 13 you're testifying about right now? 14 MS. DeCARLO: I'm going object to the 15 framing of the question as "surreptitiously." 16 That hasn't been testified to. It's not in 17 evidence, so I'd ask that you rephrase the 18 question. 19 Q. You can answer. 20 A. No. 21 Q. When you said "not of that nature," that's 22 what you were referring to, correct, a surreptitious 23 recording of Mr. Wardak? 24 MS. DeCARLO: Objection, again, to the</p>

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1 characterization of the recording. That hasn't
2 been testified to.
3 Q. You can answer.
4 A. No.
5 Q. After the video recording you're
6 testifying about, did you take any other recordings
7 of Mr. Wardak?
8 A. No.
9 Q. This is the only one, the one you're
10 testifying about?
11 A. Well, as I mentioned, if -- if there was
12 some video from, like, the club or something,
13 potentially, if anybody else had it or anything.
14 But of him and me in the bedroom, no.
15 Q. Why did you stop taking the recording?
16 A. I don't know.
17 Q. What did you do with it once you stopped?
18 A. Nothing.
19 Q. At any point, did you tell Mr. Wardak that
20 you were recording him?
21 A. I don't think so.
22 Q. Well, as you sit here today, do you have
23 any recollection of telling him that you recorded
24 him?

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1 A. I believe I just answered the question.
2 Q. You need to answer the question I just
3 asked.
4 A. It's asked and answered. Same answer. I
5 don't think so.
6 MR. ALLEE: Miss Klasen, could you read
7 back the question and the answer.
8
9 (The requested testimony was read back.)
10
11 A. I don't think so.
12 Q. In fact, you did not tell him; correct?
13 A. I don't think so. I don't recall.
14 Q. Are you unable to answer that question,
15 that you did not tell him that you recorded him?
16 A. I just answered that question. I don't
17 think so.
18 Q. Is there anything that prevents you from
19 knowing more affirmatively the answer to that
20 question?
21 A. Yes.
22 Q. What is that?
23 A. It was five years ago.
24 Q. Is your recollection of what happened five

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1 years ago not clear?
2 A. On some things, yes. On some things, like
3 a video recording --
4 Q. You previously -- pardon me. I didn't
5 mean to interrupt you.
6 A. I'm good. No.
7 Q. I'll wait until you finish your answer. I
8 thought you were done.
9 A. I'm finished.
10 Q. You previously testified that your
11 recollection of the events of five years ago have
12 improved over time.
13 Is that no longer the case?
14 A. That's -- it depends on what you're
15 referring to.
16 Q. So as you sit here today, you cannot
17 testify whether or not you told Mr. Wardak that you
18 were recording him on July 8th, 2018?
19 A. Yes. I said I don't know.
20 Q. What did you do with the video recording
21 once you had taken it?
22 A. Nothing.
23 Q. Where was it stored?
24 A. The iPhone.

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1 Q. Did you make any copies of it?
2 A. No.
3 Q. Did you provide a copy of the video
4 recording or any form of the recording to anyone
5 else?
6 A. I had -- I gave it to -- when the video
7 was produced, that was provided to the lawyers,
8 like, Aurore, in -- on whatever the date that it was
9 produced.
10 Q. Can you please tell us, as best as you can
11 recall, what happened when you produced the
12 recording?
13 A. I sent -- I sent it to Aurore.
14 Q. When did you do that?
15 A. I don't recall the date, specifically.
16 But it was the evening of the -- of your client's
17 deposition.
18 Q. What prompted you to send the video
19 recording to your counsel on the evening of Mr.
20 Wardak's deposition?
21 A. Because I had found it.
22 Q. Please describe, as fully as you can, the
23 events that led to your providing the video
24 recording to your counsel on that evening.

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1 MS. DeCARLO: I'm just doing to interject
2 that the deponent will respond, but she's not
3 to testify with regards to any conversations
4 she had with her counsel leading up to the
5 production of the video.
6 A. I'm sorry. Can you ask the question again
7 please and maybe more specifically.
8 Q. Sure. Can you please describe, as fully
9 as you can, what happened that prompted you to
10 produce the video recording to your counsel on the
11 evening of Mr. Wardak's deposition?
12 A. I listened to your client's deposition and
13 it was very triggering and I was very upset and
14 really disturbed and really disgusted by the lies
15 that your client told. And I was searching for,
16 what I thought was an e-mail, and then I found this
17 video, which I forgot about and did not know that I
18 had. And then I sent it to my lawyers as soon as I
19 realized that I had the video.
20 Q. Did you listen to the deposition in
21 realtime or after it had concluded?
22 A. On and off. I was very busy with work, so
23 I listened when I could. It was remote.
24 Q. How did you listen? Did you log in

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1 yourself, to the remote deposition or through
2 someone else's?
3 A. Yes.
4 Q. You said in your testimony that it was
5 "triggering."
6 Is that the word you used?
7 A. That's what I just said, sure. It was
8 triggering.
9 Q. Now, the deposition was on June 27th of
10 2022; correct?
11 A. I don't recall the date, but if that's
12 what it was, then correct.
13 Q. And there had been about three years of
14 litigation between yourself and Mr. Wardak prior to
15 the deposition, just in this case; correct?
16 A. I believe so, yes.
17 Q. Did you hear something during the
18 deposition that was different than what you had seen
19 during the previous litigation in the case?
20 A. Well, by nature, seeing and hearing are
21 different things.
22 Q. You testified that you then were searching
23 for, what you thought, was an e-mail.
24 What do you mean by that?

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1 A. I was searching for, what I thought, was
2 an e-mail.
3 Q. Are you unable to give a more coherent
4 explanation of what your search was?
5 A. That's -- I was searching for an e-mail.
6 I'm not sure what else you're -- you want me to say
7 to that.
8 Q. What e-mail were you searching for?
9 A. Some -- I had -- it was something in my
10 mind about him saying, like -- something like, he
11 made love to me when I was his fiance or waiting to
12 have sex or something weird like that. And I
13 thought it was an e-mail and that's what I was
14 searching for.
15 Q. Where were you at the time that you were
16 listening to the deposition of Mr. Wardak?
17 A. Pennsylvania.
18 Q. Where in Pennsylvania?
19 A. Wilkes-Barre, Pennsylvania.
20 Q. In an apartment?
21 A. Yes.
22 Q. It was a home, a residence?
23 A. Yeah, it was a residence.
24 Q. Was anyone with you?

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1 A. No.
2 Q. Was anyone at the residence at the time?
3 A. No.
4 Q. And when you searched for an e-mail, what
5 were you searching for?
6 A. What I just explained. I was searching --
7 Q. Pardon me. I'm sorry.
8 A. I was searching for him saying, like, he
9 made love to me as his fiance or, like, being the
10 only person he hadn't had sex with, like, before
11 they were married or engaged or something --
12 something of that nature.
13 Q. And you are testifying that you then
14 searched for an e-mail, to or from him, related to
15 that topic.
16 Is that what you're saying?
17 A. Yes.
18 Q. How did you conduct that search?
19 A. I looked through discovery documents, both
20 his and mine, and I didn't find it. And then
21 searched a few times. And then I searched -- and
22 then I found -- I had found the old phone and I had
23 searched in the phone. Didn't find anything. And
24 then I searched again. And then I found it was in a

<p style="text-align: right;">Page 21</p> <p>1 folder on the phone, a hidden folder.</p> <p>2 Q. All right. You answered first that you</p> <p>3 searched discovery.</p> <p>4 Is it that what you said?</p> <p>5 A. Yes.</p> <p>6 Q. Did you have access to the discovery at</p> <p>7 the residence in Pennsylvania?</p> <p>8 A. Yes.</p> <p>9 Q. How did you conduct those searches in</p> <p>10 discovery?</p> <p>11 A. I just, like, viewed the files. They</p> <p>12 were, like, electronic.</p> <p>13 Q. What did you find?</p> <p>14 A. Just everything that had been provided by</p> <p>15 myself and your client in the discovery.</p> <p>16 Q. How did you search the discovery for an</p> <p>17 e-mail that you were looking for?</p> <p>18 A. I went through, like, the various pages of</p> <p>19 the e-mails that were there.</p> <p>20 Q. Did you use search terms or you were just</p> <p>21 scrolling through one document after the next?</p> <p>22 A. Just scrolling.</p> <p>23 Q. You then testified that you searched a few</p> <p>24 times, but you didn't specify what you meant.</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. All right. And so I understand. You said</p> <p>2 first, you searched the discovery for the e-mail.</p> <p>3 And you then said you searched a few times, but</p> <p>4 you're referring to the discovery.</p> <p>5 Is that right?</p> <p>6 A. Yes.</p> <p>7 Q. You then said, I think, that you searched</p> <p>8 in an old phone.</p> <p>9 Is that right?</p> <p>10 A. Correct.</p> <p>11 Q. What phone are you referring to?</p> <p>12 A. The phone that the video was taken on, the</p> <p>13 iPhone from Miami. I think it was an iPhone 10.</p> <p>14 Q. All right. So the phone on which you took</p> <p>15 the video recording?</p> <p>16 A. Yes.</p> <p>17 Q. What prompted you to search that phone?</p> <p>18 A. I was searching for, what I thought, was</p> <p>19 an e-mail. And I was prompted because I was very</p> <p>20 triggered by the testimony that day.</p> <p>21 Q. What does the testimony have to do with</p> <p>22 your choice to search the old phone?</p> <p>23 A. I was looking for an e-mail and I couldn't</p> <p>24 find it, so I was searching.</p>
<p style="text-align: right;">Page 22</p> <p>1 What do you mean by that?</p> <p>2 A. I just remember, like, just looking</p> <p>3 through the e-mails.</p> <p>4 Q. So you're still referring to the discovery</p> <p>5 in the case?</p> <p>6 A. Yes. Yes.</p> <p>7 Q. When did you do that on -- on the day of</p> <p>8 the deposition of Mr. Wardak?</p> <p>9 A. Yeah. When, like, what time?</p> <p>10 Q. Yes.</p> <p>11 A. I don't know. Like, probably -- I don't</p> <p>12 know exactly what time.</p> <p>13 Q. Was it during the deposition or after it</p> <p>14 had concluded?</p> <p>15 A. I don't remember.</p> <p>16 Q. Is there a history of your -- like, a log</p> <p>17 in history of your use of the discovery?</p> <p>18 A. I don't think so. It's, like, a</p> <p>19 downloaded file.</p> <p>20 Q. But you have it -- just so I understand.</p> <p>21 You have the discovery in a way that you don't have</p> <p>22 to log into a third-party vendor or through some</p> <p>23 separate system?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Are there e-mails on your old phone that</p> <p>2 you don't have anywhere else?</p> <p>3 A. I'm not sure. There were some things on</p> <p>4 that phone that may or may not have been on the</p> <p>5 newer phone. But my lawyers have the phone and</p> <p>6 anything that was not on the new phone, was given.</p> <p>7 So I'm not sure if that would -- if that also</p> <p>8 included e-mails or not. I don't know.</p> <p>9 Q. Are there any e-mails on earth that</p> <p>10 existed only on your old phone?</p> <p>11 A. I'm not sure. Well, it wouldn't have been</p> <p>12 an e-mail. It would have been, like, maybe a screen</p> <p>13 shot. But, like, again, I'm not sure. I gave them</p> <p>14 the phone, so whatever they had, if there was</p> <p>15 something that was there or not, I'm not sure.</p> <p>16 Q. What do you mean, "It wouldn't have been</p> <p>17 an e-mail. It would have been a screen shot"?</p> <p>18 A. Well, it would have been a screen shot,</p> <p>19 potentially, that was I looking for. That's --</p> <p>20 that's all. I was looking for that. I, typically,</p> <p>21 like, thought -- I mean, I thought that it would</p> <p>22 have been, like, a screen shot of it, not, like, in</p> <p>23 the e-mail. I would have thought that's what I was</p> <p>24 looking for.</p>

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1 Q. When you searched your old phone, what,
2 specifically, were you looking for?
3 A. I was looking for that e-mail. I thought
4 it was an e-mail, like I said. I just thought --
5 yeah. It was, like, I had remembered something of
6 that nature, of him saying that to me. And I
7 thought -- yeah. I thought it was an e-mail.
8 I looked at the text messages, too. I
9 wasn't completely sure, but that's what was --
10 that's what came to mind, was to look for an e-mail.
11 He had sent me all these, like, really deranged and
12 delusional e-mails, so I thought it was in one of
13 those.
14 Q. You were looking for an e-mail from Mr.
15 Wardak?
16 A. Yes.
17 Q. To your e-mail?
18 A. Yes.
19 Q. To what --
20 A. But I was also, like, unsure. I thought
21 it was an e-mail, but I was like, "Oh. Maybe it was
22 a text. Maybe it was" -- like, I was -- yeah. I
23 was just looking through it.
24 Q. What e-mail address were you -- withdrawn.

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1 You were searching for an e-mail from Mr.
2 Wardak to what e-mail address?
3 A. To my personal e-mail address.
4 Q. Which is what?
5 A. Sarah.Goolden@gmail.com.
6 Q. Where did you look on your old phone to
7 try to find that e-mail?
8 A. I looked at in photos and then I looked in
9 the -- in the messages.
10 Q. What prompted you to look in your old
11 phone on that day, June 27th?
12 A. Your client's testimony.
13 Q. Where was your old phone?
14 A. In Pennsylvania.
15 Q. Where?
16 A. It was in a bag in a closet.
17 Q. Can you tell me, with as much detail as
18 you can recall, where your old phone, your iPhone
19 10, was in the bag?
20 A. It was in -- it was in a bag with other
21 bags inside of a bag.
22 Q. What else was in the bag?
23 A. It was, like, a bunch of purses. It was
24 inside another purse.

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1 Q. What else was in there?
2 A. That's what comes to mind. Maybe some,
3 like, sunglasses.
4 Q. And where was the bag in which your phone
5 was?
6 A. In a closet.
7 Q. Where was the closet?
8 A. In my apartment in Wilkes-Barre,
9 Pennsylvania.
10 Q. Where in the apartment?
11 A. It was a front closet.
12 Q. Front closet, like, front hall?
13 A. Yeah. I had two closets in my apartment.
14 It was, like, the front closet and I had one in the
15 back.
16 Q. How big is the apartment?
17 A. It was a one-bedroom. I don't remember,
18 like, how many square feet or anything.
19 Q. Sure. I get you. One bedroom. And this
20 was your -- this was, like, a second home.
21 Is that right?
22 A. Yeah. Well, I worked in Pennsylvania, so
23 I would stay there, like, five nights a week when I
24 was working. And then on my days off, I would come

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1 to the city.
2 Q. And for, sort of, what time period -- date
3 range, did you stay in this home for, approximately,
4 five nights a week?
5 A. Like, probably, a year -- a year and --
6 maybe, like, a year and five months, a year and four
7 months.
8 Q. All right. And the time period we're
9 focused on now is late June of 2022. So let me ask
10 you this a slightly different way.
11 Roughly, when did you start living in the
12 Pennsylvania residence, approximately, five days a
13 week and when did you stop, roughly?
14 A. So about a year -- like, probably, like, a
15 year and four months before then. Oh. No. I lived
16 there a year and four months. So --
17 Q. When?
18 A. When did I start living there? Oh. I
19 think -- I think I moved into that apartment in,
20 like, July, I would say -- July or August the year
21 before. And then I moved out December of last year.
22 Q. So, roughly, July, August of 2021, to,
23 roughly, December of '22?
24 A. Yeah. It was about -- like, a year and a

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1 half, a little under.
2 Q. All right. And who else lived there?
3 A. Just myself.
4 Q. Okay. Nobody else, just you?
5 A. Yes.
6 Q. All right. And you said there are two
7 closets in the Pennsylvania apartment?
8 A. Yes.
9 Q. And this one, you described as the front
10 closet?
11 A. Yes.
12 Q. Where is it in the apartment?
13 A. It's near, sort of like -- it's, like, in
14 the living room area.
15 Q. What did you keep in that closet?
16 A. I kept a lot of stuff in that closet.
17 Like, a lot of clothes, a lot of shoes, a lot of
18 suitcases, umbrellas, like, a lot of different
19 jackets, a lot of gear, electronic gear for my job,
20 but it was -- yeah. It was a very big closet.
21 Q. Where in the closet was the bag with the
22 phone in it when you got it out that day?
23 A. It -- there were, like -- so there was,
24 like -- so it was -- I don't know how to -- I'm

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1 trying my best to explain it. There was, like, a
2 shelf on the top and then on the top of the shelf,
3 there was, like, a bag -- this bigger bag that had
4 bags and the phone. It was -- if I'm looking at it,
5 it was, like, to my left, on top of the shelf in the
6 closet.
7 Q. All right. And can you just, as best as
8 you can describe, explain for us the moment when you
9 went from searching discovery to going and getting
10 this old phone and searching the old phone.
11 What happened?
12 A. Well, I was looking for the discovery,
13 looking through it. I didn't find this e-mail or I
14 couldn't find it. I don't really -- I don't know.
15 I couldn't find it, so then, eventually, I looked on
16 this phone and searched the phone.
17 Q. Did you search your then current phone?
18 A. Maybe. I was, like, looking every where.
19 I -- it -- I was just looking for this -- whatever I
20 thought I was looking for.
21 Q. So you said maybe. So you're not sure if
22 you searched your then current phone?
23 A. Yeah. I think I did. I think I did, but
24 I more extensively -- like, I remember extensively

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1 looking through the, like, discovery, the e-mails,
2 and the texts that were -- that were provided.
3 Q. You testified that in your old phone, you
4 looked in a hidden folder.
5 Was that your testimony?
6 A. Yes.
7 Q. What folder was that?
8 A. There's an iPhone -- there's a folder
9 that's called "hidden." So you can put stuff in
10 that folder that you don't want to see, like, in
11 your camera roll. So if you, like, go into that
12 folder, there's different contents that are not in
13 the camera roll that can be on display.
14 Q. Does the hidden folder have a name?
15 A. It's just called "hidden." Like, that's
16 the app -- what the iPhone does. It's, like,
17 something -- I think it's on all iPhones.
18 Q. All right. Let me actually backup a
19 moment. You -- how did you know where your old
20 phone was when you retrieved it to search for an
21 e-mail in it?
22 A. Well, I hadn't seen it for a very long
23 time, so I had been searching for some summer
24 clothes because it was getting into summer. I had a

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1 lot of summer clothes in storage that I had just
2 received, so I was searching for summer clothes.
3 I was searching for an old dress that was
4 -- that had just been requested in discovery. I
5 didn't know where it was, so I was going through it
6 and then I found it. And then when I was looking
7 through that suitcase and bags, then I found it
8 there.
9 Q. What does searching for summer clothes
10 have to do with searching for and finding the phone?
11 A. They were in the same suitcase.
12 Q. When were you searching for summer
13 clothes?
14 A. Around that time, it was the -- the
15 seasons were -- so at the time, I was moving a lot,
16 right. I moved four or five times. Most of my
17 things were in storage, so I kind of just had what I
18 needed at the time. Like, if it was winter, I had,
19 like, my winter clothes. I didn't, you know, have
20 summer stuff out. It was in storage.
21 And then -- so I was looking for summer
22 clothes because I wanted to start wearing them,
23 change my wardrobe for the season. And then, in
24 addition to that, I also was asked to provide a

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1 dress in discovery, which was also a summer dress.
2 So it would have been in one of my suitcases with
3 summer clothes, so I was looking for that and that's
4 when I found it.
5 Q. When was that?
6 A. Around that time. Probably, like, maybe
7 in, like -- on or around that time. Maybe May or --
8 probably May or June.
9 Q. So let me make sure I understand your
10 answer. On the day of Mr. Wardak's deposition, you
11 testified that you searched for an e-mail in
12 discovery and not finding it, you then searched your
13 old phone.
14 Is that right?
15 A. Yes.
16 Q. At the time, did you know where your old
17 phone was?
18 A. On that day, yes.
19 Q. So it wasn't like you were searching
20 around for your old phone, you just went right to
21 it?
22 A. Yeah. I had found the phone, like, a
23 little bit previously.
24 Q. Right. And you're now, in your more

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1 recent testimony, explained that you had previously
2 found the phone when you were looking for other
3 things having to do with summer clothes.
4 Is that right?
5 A. Yes. Correct.
6 Q. And that was in, roughly, May?
7 A. Yeah. It may have been, like, around that
8 time. I don't recall the exact date, but around
9 that time.
10 Q. And you also testified the phone was in a
11 suitcase.
12 Is that what you said?
13 A. Yes.
14 Q. What did the suitcase look like?
15 A. It's a big suitcase. It's, like, a
16 pink-purple color, like, hard-shell.
17 Q. Sorry. I didn't catch the last part of
18 your answer.
19 A. Like, a hard-shell, like, pink-purple
20 suitcase --
21 Q. Where was the phone in the suitcase?
22 A. It was in -- it was in a big bag that had
23 a bunch of other bags in it and then the phone was,
24 like, inside a bag. And I also had, like, some

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1 pairs of sunglasses in there, too.
2 Q. So your testimony is that you noticed that
3 phone, your old iPhone 10, in -- which was in the
4 bags, which was in the hard-shell suitcase, when you
5 had been looking for summer clothes?
6 A. Yes.
7 Q. What, if anything, did you do with your
8 old phone when you noticed it there when you were
9 looking for summer clothes?
10 A. I just left it there.
11 Q. So, now, back to June 27th, the date of
12 the deposition, you knew where the phone was;
13 correct?
14 A. Yes.
15 Q. And when you got it, you looked in a
16 hidden folder?
17 A. Eventually, yes.
18 Q. You said "eventually." What did you look
19 in on the phone before you looked in the hidden
20 folder?
21 A. I looked at, like, everything. I looked
22 at the text messages because then I thought, "Oh.
23 It must have been a text message." And then I
24 looked through the pictures. There was nothing

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1 there and I -- I didn't think I could find it. And
2 then I looked a few times and I didn't even realize
3 there was a hidden folder. And then, eventually, I
4 found the hidden folder and then I came across the
5 contents.
6 Q. What was in the hidden folder?
7 A. I don't recall, like, everything. But I
8 think, like, what -- in relevance to this case, the
9 video of -- the video that we're talking about and
10 maybe some memes your client made. And just really
11 things that had to do with your client that I didn't
12 want to have to, like, see on my camera roll.
13 I understood that I, like, couldn't delete
14 anything, but I hate having it on my phone. I don't
15 want to see it. It's very triggering it's bad
16 energy. So it's terrible enough I had to keep this
17 stuff, so it was in a hidden folder.
18 Q. When you testify "I understood I couldn't
19 delete anything," what do you mean?
20 A. Well, like, I had, like, screen shots of,
21 like, e-mails that he had sent me or, like,
22 harassing texts or, like, memes he made about me.
23 So I put it in a hidden folder because I didn't want
24 to have to see it on my, you know, camera roll

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1 whenever I opened it.
2 Q. Why didn't you delete it?
3 A. Because I didn't. I think my -- I had to
4 -- I don't think I'm allowed to do that.
5 Q. You mean because of the case?
6 A. Yeah.
7 Q. You understand that you have a duty to
8 preserve relevant evidence?
9 A. I do, yes.
10 Q. And, therefore, you did not delete these
11 items that you're referring to, including the video
12 recording, but you, instead, put them in a hidden
13 folder?
14 A. Yes.
15 Q. When did you put them in a hidden folder?
16 A. I don't remember.
17 Q. Was it after you came across the phone
18 when you were searching for summer clothes?
19 A. Oh, no. No. No. This was, like, years
20 prior. Like, years prior.
21 Q. Years prior, like, what year?
22 A. I don't recall. Maybe -- it might have
23 been, 2018, 2019. Like, it's so long ago, I don't
24 remember, like, what time I put it in the hidden

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1 folder.
2 Q. Did you put all of the items in the hidden
3 folder at once or was this done over many times?
4 A. I don't know.
5 Q. Like, do you recall having a moment where
6 you sort of did this, like, "I'm going to move them
7 to a hidden folder" or was it just, like, sort of as
8 each thing popped up?
9 A. I don't recall. I, like, completely
10 forget that there even was a hidden folder. I don't
11 recall.
12 Q. Where on your old iPhone was the hidden
13 folder?
14 A. So, like, all iPhones -- it's the same
15 thing. It's, like, if you're in the camera roll,
16 like, there's -- if you, like, scroll down, there's,
17 like, different folders. And I think, like, there's
18 one in, like, the interface that's hidden. But I
19 don't know exactly, like, where it's stored. I
20 think it's, like, just the iPhone.
21 Q. So how did you find it on the day you did
22 find it, June 27th?
23 A. I looked a few times. I couldn't find
24 anything and then I just kept looking. I was, like,

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1 very motivated and then I, eventually, found this
2 hidden folder and looked in the hidden folder.
3 Q. How many items were in the hidden folder,
4 approximately?
5 A. I don't recall.
6 Q. Dozens, hundreds, thousands?
7 A. Not thousands, but I don't -- I'm not sure
8 how many, but not thousands. Like, under a
9 thousand.
10 Q. Were all the items in the hidden folder
11 related, in some way, to Mr. Wardak?
12 A. No.
13 Q. What other types of items were in the
14 hidden folder?
15 A. Like, I don't know. Like, sometimes I'll
16 take, like, a picture of, like, an ugly pimple or
17 something and, like, put it in the hidden folder. I
18 think maybe I have, like, a picture like that.
19 Maybe, like, an ugly selfie or some selfie. I don't
20 know. Stupid things, stuff of that nature.
21 Q. When you retrieved your phone on the day
22 of Mr. Wardak's deposition, did it turn on?
23 A. I don't remember.
24 Q. Do you recall whether you charged it up?

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1 A. I don't. I don't remember.
2 Q. Did it have a sim card?
3 A. I don't remember, but I -- I don't think
4 it would have. I don't think the new phones use sim
5 cards. And it hadn't been used for calls or data or
6 anything for, like, a long time, like, after I had
7 gotten the new phone -- after I had stopped using
8 it.
9 Q. So you don't know whether it had a simp
10 card?
11 A. I don't. If -- I don't think so, and if
12 it did, it would have been an old sim card that,
13 like, hadn't worked for years.
14 Q. What did you do once you retrieved the
15 iPhone 10 and found the video recording in the
16 hidden folder?
17 A. I provided -- I informed my attorney and
18 then I handed it over.
19 Q. Did you call your attorney or e-mail your
20 attorney or both?
21 A. I don't remember.
22 Q. And when you say your attorney, you're
23 referring to Ms. DeCarlo?
24 A. Yes.

<p style="text-align: right;">Page 41</p> <p>1 Q. And you testified that you then -- I</p> <p>2 think, you just testified that you then provided the</p> <p>3 video recording?</p> <p>4 A. Yes.</p> <p>5 Q. How?</p> <p>6 A. I don't remember.</p> <p>7 Q. Did you e-mail it?</p> <p>8 A. I don't remember.</p> <p>9 Q. How did you get it from your iPhone 10 to</p> <p>10 your counsel?</p> <p>11 A. I airdropped it. I do remember</p> <p>12 airdropping it. I airdropped it to, like, a current</p> <p>13 device and then I gave it to my attorneys. But I</p> <p>14 don't remember, like, exactly how. Like, I don't --</p> <p>15 I don't know. I guess, maybe, it was an e-mail. I</p> <p>16 don't remember, like, the specific mode of -- of</p> <p>17 distribution to my attorneys.</p> <p>18 Q. When you say you "airdropped it," was that</p> <p>19 from the iPhone 10 to the phone you were then</p> <p>20 currently using in June of '22?</p> <p>21 A. Yeah, it might have been. It also might</p> <p>22 have been my computer. It was one of my devices. I</p> <p>23 don't remember which one, exactly, but I remember</p> <p>24 airdropping.</p>	<p style="text-align: right;">Page 43</p> <p>1 A. On that date?</p> <p>2 Q. Yes.</p> <p>3 A. I believe, the video recording.</p> <p>4 Q. And nothing else?</p> <p>5 A. Yes. I believe the video recording, but</p> <p>6 it's hard to remember.</p> <p>7 Q. What did you do with your iPhone 10 after</p> <p>8 you provided the video recording to your counsel?</p> <p>9 A. What did I do with it? I just put it back</p> <p>10 in my closet.</p> <p>11 Q. Where?</p> <p>12 A. The same spot, inside the bag on the left</p> <p>13 shelf.</p> <p>14 Q. All right. Did you, eventually, move it</p> <p>15 from your closet?</p> <p>16 A. Yes.</p> <p>17 Q. What happened?</p> <p>18 A. I gave it to my attorneys.</p> <p>19 Q. How did you do that?</p> <p>20 A. I, like, brought it to their office.</p> <p>21 Q. When?</p> <p>22 A. I don't remember the exact dates, but</p> <p>23 pretty quickly after that.</p> <p>24 Q. So you took it from the closet in the</p>
<p style="text-align: right;">Page 42</p> <p>1 Q. Which devices did you use on or about</p> <p>2 June 27th, '22, regularly?</p> <p>3 A. I think it was my phone. If -- I used my</p> <p>4 phone and my computer.</p> <p>5 Q. Any other devices?</p> <p>6 A. No.</p> <p>7 Q. So a phone and computer?</p> <p>8 A. Yeah.</p> <p>9 Q. Was the computer an Apple device?</p> <p>10 A. Yeah.</p> <p>11 Q. Can you airdrop to that?</p> <p>12 A. Yeah. You can airdrop to all Apple</p> <p>13 devices that have blue tooth I think.</p> <p>14 Q. So your testimony is you found the video,</p> <p>15 and to get it from your iPhone 10 to your counsel,</p> <p>16 you airdropped it to one of your current devices.</p> <p>17 You're not sure which?</p> <p>18 A. Yeah. I think it was my phone, but, like,</p> <p>19 I don't want to speculate because I don't</p> <p>20 100 percent remember.</p> <p>21 Q. Did you only get from your iPhone 10, for</p> <p>22 your counsel, the video recording or did you get</p> <p>23 oath files from your iPhone 10 to provide to</p> <p>24 counsel, as well?</p>	<p style="text-align: right;">Page 44</p> <p>1 apartment in Pennsylvania; right?</p> <p>2 A. Yes.</p> <p>3 Q. And you brought it yourself? Physically,</p> <p>4 you brought it to New York?</p> <p>5 A. Yes. Yeah.</p> <p>6 Q. Did you bring it directly to your counsel</p> <p>7 or did you take it somewhere else first?</p> <p>8 A. Well, I went, like, home. I was in New</p> <p>9 York. And then I think I had the phone with me</p> <p>10 until -- I believe, I went home on, like, a weekend,</p> <p>11 if I remember correctly. And then I had to meet my</p> <p>12 lawyers when they were in the office on, like,</p> <p>13 Monday. I remember returning the phone and then</p> <p>14 having to drive back to Pennsylvania after because I</p> <p>15 had to be back for work.</p> <p>16 Q. So you had it with you at your home in New</p> <p>17 York for some period of time and then you brought it</p> <p>18 to your counsel by hand?</p> <p>19 A. Yes.</p> <p>20 Q. Did you make any other copies of the video</p> <p>21 recording, other than the one you've described you</p> <p>22 made from airdropping it?</p> <p>23 A. No.</p> <p>24 Q. Did it exist anywhere else on your iPhone</p>

<p style="text-align: right;">Page 45</p> <p>1 10, other than the hidden folder?</p> <p>2 A. Not -- no. Not that I saw.</p> <p>3 Q. Did you search for it anywhere else,</p> <p>4 besides the hidden folder?</p> <p>5 A. I wouldn't say I was searching for the</p> <p>6 video because I didn't think the video existed, but</p> <p>7 I don't think it was anywhere else. It wasn't until</p> <p>8 I was in the hidden folder that I came across the</p> <p>9 video.</p> <p>10 Q. How long did it take you to find the video</p> <p>11 once you retrieved your old phone?</p> <p>12 A. I don't know.</p> <p>13 Q. Can you estimate -- your best estimate.</p> <p>14 A. I really don't want to guess.</p> <p>15 Q. When you found it, did you contact</p> <p>16 counsel?</p> <p>17 A. Yes.</p> <p>18 Q. Like, immediately or was there time after?</p> <p>19 A. I believe, I would have contacted them</p> <p>20 pretty -- pretty quickly.</p> <p>21 Q. Do you need a moment? Are you doing all</p> <p>22 right?</p> <p>23 A. No, I'm good.</p> <p>24 Q. Do you need a break or anything?</p>	<p style="text-align: right;">Page 47</p> <p>1 of 2020, the iPhone 10 was the phone that you used</p> <p>2 regularly?</p> <p>3 A. Yes.</p> <p>4 Q. And then let me go back further than that.</p> <p>5 So when did you start using the iPhone 10,</p> <p>6 if you recall?</p> <p>7 A. 2018, that summer. Maybe, May -- probably</p> <p>8 May, I think. April or May of 2018, I believe. It</p> <p>9 was a new phone at the time.</p> <p>10 Q. All right. And, I mean, did you use the</p> <p>11 phone the way we all use our phones? Like, you</p> <p>12 carry it around, take pictures on it, things like</p> <p>13 that?</p> <p>14 A. Yeah.</p> <p>15 Q. Did you have any other phones from,</p> <p>16 approximately, May of 2018 to October of 2020 that</p> <p>17 you used regularly?</p> <p>18 A. No.</p> <p>19 Q. Did you have any other phones that you</p> <p>20 used at all, like a work phone or you mentioned one</p> <p>21 for international purposes, I think?</p> <p>22 A. No, I didn't have a work phone at that</p> <p>23 point. I had an old phone that I had used when I</p> <p>24 lived in London, but I didn't -- like, I still had</p>
<p style="text-align: right;">Page 46</p> <p>1 A. I'm okay if you guys are good.</p> <p>2 Q. Now, the iPhone 10, on which you took the</p> <p>3 video recording, was your -- was the phone you</p> <p>4 regularly used at the time of the recording on</p> <p>5 July 8th of 2018.</p> <p>6 Is that right?</p> <p>7 A. Yes.</p> <p>8 Q. And for some period of time, it continued</p> <p>9 to be your regular phone that you used?</p> <p>10 A. Yes.</p> <p>11 Q. When did you change phones?</p> <p>12 A. I changed phones when -- it was a new</p> <p>13 iPhone that came out. I want to say, like, maybe,</p> <p>14 like, October of 2020, I think, when a new iPhone</p> <p>15 came out that I -- that I got. Around that time.</p> <p>16 Q. The expert on your side, the forensic</p> <p>17 expert, dates the change to, roughly, late October</p> <p>18 of '20.</p> <p>19 Does that sound about right?</p> <p>20 A. Oh, yeah. That sounds right.</p> <p>21 Q. October 30th, 29th, somewhere around</p> <p>22 there?</p> <p>23 A. Somewhere around there, yeah.</p> <p>24 Q. So prior to, approximately, October 29th</p>	<p style="text-align: right;">Page 48</p> <p>1 it, but I didn't really use it that much because,</p> <p>2 like, it -- I couldn't use -- I couldn't get a sim</p> <p>3 to work in it. It was, like, locked from Vodafone,</p> <p>4 so there was -- I couldn't use it, other than, like,</p> <p>5 wifi.</p> <p>6 Q. Where did you keep that old phone?</p> <p>7 A. I don't remember where it was, like,</p> <p>8 primarily packed. But it was in my apartment in New</p> <p>9 York at the time because I remember that my</p> <p>10 roommate's dog, like, knocked it over and the it,</p> <p>11 like, shattered. Like, the back all shattered.</p> <p>12 That's the last thing I remember about that phone.</p> <p>13 Q. Roughly, when did that happen?</p> <p>14 A. Like -- I don't know.</p> <p>15 Q. Like, a year? Do you have a year?</p> <p>16 A. Well, this was before, like, 2020. Like,</p> <p>17 probably, like, 2018, 2019.</p> <p>18 Q. The iPhone 10, did that backup to a cloud?</p> <p>19 A. I don't think so.</p> <p>20 Q. You have a Gmail address; right?</p> <p>21 A. I do, yeah.</p> <p>22 Q. Do you have any cloud backup associated</p> <p>23 with that?</p> <p>24 A. So, I'm not really good with the cloud</p>

<p style="text-align: right;">Page 49</p> <p>1 stuff. I think the only thing that backups in my</p> <p>2 cloud is, maybe, my contacts and my calendar. But</p> <p>3 other than that, I don't think I have it set up. I</p> <p>4 don't -- yeah. I think that's it.</p> <p>5 Q. Why -- why is it that you don't think your</p> <p>6 cloud backup is set for photos and videos?</p> <p>7 A. I just don't really trust it. I don't --</p> <p>8 I never -- I've never wanted to have, like, pictures</p> <p>9 or videos or personal things to a backup. I don't</p> <p>10 really understand where it goes or anything or who</p> <p>11 could get a hold of it.</p> <p>12 Q. Have you taken steps to prevent the</p> <p>13 backing up to the cloud of your photos and videos?</p> <p>14 A. I'm not sure, but I haven't -- I don't</p> <p>15 think I've ever had -- I've ever had them backed up.</p> <p>16 Q. I guess my question is, how do you know</p> <p>17 that?</p> <p>18 A. Oh, yeah. Because I don't back anything</p> <p>19 to the cloud, other than, like, the contacts and the</p> <p>20 calendar. So yeah --</p> <p>21 Q. Have you -- go ahead. Pardon me.</p> <p>22 A. I think I have looked and it's not there.</p> <p>23 Q. When have you looked?</p> <p>24 A. Previously. And then, like, when I was</p>	<p style="text-align: right;">Page 51</p> <p>1 don't think there was anything, like, to search</p> <p>2 because I don't think there was much there.</p> <p>3 Q. What did you do when you accessed the</p> <p>4 cloud?</p> <p>5 A. I went to the iCloud website and then I</p> <p>6 put in my credentials, looked in there. I believe</p> <p>7 it was that, but I also maybe -- maybe just gave me</p> <p>8 attorneys my log in because I did that for other</p> <p>9 things. So, like, it might have been one or the</p> <p>10 other.</p> <p>11 Q. Did you see in your cloud a thumbnail of</p> <p>12 the video recording you're testifying about?</p> <p>13 A. No.</p> <p>14 Q. Did you look for that?</p> <p>15 A. No.</p> <p>16 Q. Have you looked for that since the video</p> <p>17 recording was produced to the defense in late June</p> <p>18 of '22?</p> <p>19 A. No.</p> <p>20 Q. The iPhone 10 you traded up to a newer</p> <p>21 iPhone in about late October of 2020; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. When you switched to that new phone, did</p> <p>24 you take any steps to transfer the contents of the</p>
<p style="text-align: right;">Page 50</p> <p>1 giving discovery, I looked in the cloud and there</p> <p>2 wasn't -- there wasn't -- it wasn't in there.</p> <p>3 Q. What did you do, for purposes of</p> <p>4 discovery, to search for items in the cloud?</p> <p>5 A. It's, like -- I don't know. It's, like,</p> <p>6 iCloud.com, I think, I went to. And then, like, you</p> <p>7 put in your password and then you, like, look and</p> <p>8 then I checked there.</p> <p>9 Q. Approximately, when did you do that?</p> <p>10 A. I don't -- it would have been when I was</p> <p>11 providing discovery documents to my attorneys. In</p> <p>12 that timeframe, the beginning of the discovery when</p> <p>13 I gave -- I don't remember the dates, though.</p> <p>14 Q. Can you give me a rough time period, the</p> <p>15 year, the month?</p> <p>16 A. I don't remember when the initial</p> <p>17 discovery was.</p> <p>18 Q. Early 2021, does that sound about right?</p> <p>19 A. Maybe.</p> <p>20 Q. How many times did you search in the cloud</p> <p>21 for documents in this case or files?</p> <p>22 A. I don't remember. But, like, I don't</p> <p>23 think there was -- I don't remember, specifically,</p> <p>24 how many times I searched, but I don't think -- I</p>	<p style="text-align: right;">Page 52</p> <p>1 iPhone 10 to your new phone?</p> <p>2 A. Yes.</p> <p>3 Q. What steps?</p> <p>4 A. When I got the new phone, it did this</p> <p>5 thing where it said, like, you, like, logged in and</p> <p>6 you just put the phones next to each other for,</p> <p>7 like, an hour or a couple of hours. And then it,</p> <p>8 like, migrates the data.</p> <p>9 Q. Did you do that at home or did you go into</p> <p>10 somewhere with expertise for that, to a store or</p> <p>11 something?</p> <p>12 A. I did it at home.</p> <p>13 Q. And what contents -- withdrawn.</p> <p>14 Did you succeed? Did contents transfer</p> <p>15 over?</p> <p>16 A. Yeah.</p> <p>17 Q. What transferred over?</p> <p>18 A. I don't know. Like, I think a lot of the</p> <p>19 stuff transferred over. Like, it gives you, I</p> <p>20 think, your apps, messages, some pictures, and</p> <p>21 videos.</p> <p>22 Q. Did you check to see if pictures and</p> <p>23 videos transferred over?</p> <p>24 A. I didn't check to see if everything</p>

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1 transferred over, but there were pictures. Most
2 pictures and videos transferred over.
3 Q. Is the phone -- sorry. What model of
4 iPhone did you transfer to in late October of 2020?
5 A. I don't know. It might have been the 11.
6 It might have been the 12. It's whatever one was
7 new, at that time, in the year of 2020. I just
8 don't remember if it was the 11 or the 12.
9 Q. Okay. Well, just for the clarity of the
10 record, rather than call it the new iPhone, let's
11 just call it the 12 and with understanding if I'm
12 wrong about that. But just so we're clear.
13 The new iPhone, which we will call the
14 iPhone 12, is that still the phone that you
15 regularly use?
16 A. No.
17 Q. When did you seize using the phone we'll
18 call the iPhone 12?
19 A. When did I seize using it? Probably a few
20 months ago. I don't remember the exact month. When
21 the newest one came out, around that time, the 14.
22 Q. And you switched to a newer iPhone then?
23 A. Yeah.
24 Q. Did you do the same thing? Did you

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1 migrate -- transfer the contents of the old phone to
2 the new phone?
3 A. Yes.
4 Q. And that was some point in 2023, earlier
5 this year?
6 A. Yes. It might have been 2022. It might
7 have been the end of 2022. It might have been the
8 end of '22, beginning of '23.
9 Q. Okay. Are there contents on your new
10 phone, the iPhone 14, from your previous phone, the
11 iPhone 12?
12 A. Yes.
13 Q. Are there contents on the iPhone 14 from
14 the phone prior, the iPhone 10?
15 A. Yes.
16 Q. Does that include photos and videos going
17 back to the iPhone 10?
18 A. I didn't check, specifically, but -- so, I
19 don't know. Maybe.
20 Q. Well, do you have video or photos dating
21 back to the time period you used your iPhone 10 that
22 you want to preserve? Setting aside the litigation,
23 just for yourself, just photos and videos from that
24 time period, the iPhone 10, that you wanted to keep.

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1 A. I mean, I think. I don't know. Like, I
2 haven't gone through the old videos. I haven't gone
3 through it, but I think there's older videos. I
4 don't know which devices took the videos, but there
5 must be.
6 Q. All right. Now, going back to, roughly,
7 late October of 2020, when you switched from the
8 iPhone 10 to what was then a newer iPhone.
9 What did you do with your iPhone 10?
10 A. I'm sorry. Can you repeat the question.
11 Q. Sure. Going back to, approximately, late
12 October of 2020, when you switched from using your
13 iPhone 10 to using what was then a new iPhone, what
14 did you do wither iPhone ten?
15 A. I don't, like, specifically -- like, I
16 don't remember all of the details, but I think I
17 just put it in my closet because I wasn't really
18 using it.
19 Q. Your closet in your home?
20 A. In New York, yeah.
21 Q. What home was that?
22 A. That was -- I don't even remember which
23 one. I moved so many times.
24 Q. Well, help me understand a little bit. So

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1 October of 2020, where were you living?
2 A. I just need to think about this for a
3 second. I was living -- okay. Yes. I was living
4 at my apartment in New York. Yeah.
5 Q. Where was that?
6 A. I prefer not to answer with my address.
7 Q. Just something so we can have a record to
8 understand each other. Was it in -- I don't know.
9 Was it in a neighborhood? Was it two bedrooms?
10 Something you can tell me that I understand what
11 you're talking about.
12 A. My apartment in -- my apartment downtown.
13 Q. Okay. Apartment downtown?
14 A. Yes.
15 Q. And for how long did you live there?
16 A. I was there for, like, a year. Probably,
17 like, a year. Maybe a little more.
18 Q. Roughly, when to when?
19 A. Like, for, like, a year, I think. 2020.
20 Q. All right. And, roughly, when did you
21 stop living in the downtown apartment?
22 A. I don't remember the exact date, but we
23 had a flood -- a really bad flood. It had been
24 raining a lot, so we had to move out. So then we

<p style="text-align: right;">Page 57</p> <p>1 moved to a different apartment downtown to do 2 construction on the apartment. 3 Q. All right. So the first downtown 4 apartment is where you were living in October of 5 2020? 6 A. Yes. 7 Q. Where did you put your iPhone 10 when you 8 switched to the new iPhone? 9 A. I think, I put it in my closet. 10 Q. What sort of closet, bedroom closet, front 11 hall? 12 A. Bedroom closet. 13 Q. And where in the closet? Was it in a bag? 14 Was it in a folder? 15 A. I don't remember, specifically. 16 Q. All right. And then, roughly, late 2020, 17 you moved to a new apartment? 18 A. Yes. 19 Q. I'm sorry. Let me back up. 20 In the downtown apartment we're discussing 21 in 2020, did you live there just yourself or with 22 other people? 23 A. I lived there with my boyfriend. 24 Q. And the closet you're referring to in</p>	<p style="text-align: right;">Page 59</p> <p>1 But can you explain to me how the iPhone 2 10 gets from that closet in your downtown apartment 3 in New York, where you put it in, approximately, 4 October of 2020, to the closet in the Pennsylvania 5 apartment in 2022. 6 A. Yeah. So I had some things in storage. I 7 had a lot of stuff in storage and, eventually, from 8 storage, I took my things and I moved them when I 9 went to Pennsylvania. And there was luggage and 10 boxes that I took and it was in one of those luggage 11 bags. 12 Q. In the downtown apartment in New York in 13 October of 2020 when you put the phone in your 14 closet, was it in the luggage bags you referred to 15 where you found it elsewhere or was it in some other 16 bag or stored in some other way? 17 A. Oh. The luggage bag that was in storage 18 -- in my storage space was not in the apartment 19 downtown. Like, I must -- I would have, like, 20 packed when I was moving because I moved a bunch. 21 I'd just pack a bunch of stuff up in, like, 22 suitcases and then put them in -- in my storage 23 space. 24 Q. All right. Can you tell us where the</p>
<p style="text-align: right;">Page 58</p> <p>1 which you put the iPhone 10, was that just your 2 closet or did he use that closet also? 3 A. He used the closet, but we had, like, 4 different sides. 5 Q. All right. So it was on your side of the 6 closet, I guess? 7 A. Yeah. 8 Q. And what else did you keep there on your 9 side of the closet? 10 A. Clothes -- bags and clothes. 11 Q. Clothes that you wear regularly or, like, 12 storage? 13 A. No. This was, like, a -- I think it was, 14 like, a mix of everything, but it was more regular 15 clothes. 16 Q. All right. Then you moved -- you moved 17 your items out of that closet to the new apartment? 18 A. Yes. 19 Q. Did you bring your iPhone 10 with you to 20 the new apartment? 21 A. I don't remember. I don't -- I don't 22 remember if I did or not. 23 Q. Well, can you, you know -- I'll ask it 24 this way and then follow-up.</p>	<p style="text-align: right;">Page 60</p> <p>1 phone went from your old downtown apartment, where 2 you put it in the closet when you stopped using it. 3 Where did it go from there? 4 A. I don't know. I think storage. 5 Q. And when you say "storage," what do you 6 mean? 7 A. I put a lot of my things in a storage 8 space because I was moving a lot. 9 Q. Okay. That's, like, a separate storage 10 space that you rent? 11 A. It's a storage space -- it's my 12 boyfriend's storage space. It's -- he owns the 13 storage space. It's -- it's a part of -- it's in 14 his building, but it's separate. Does that make 15 sense? 16 Q. When did you -- withdrawn. 17 Was your iPhone 10 in that storage space? 18 A. Yes. 19 Q. How did it get there? 20 A. I must have brought it over when I put a 21 bunch of stuff in the -- in the suitcases to bring 22 to the storage space. 23 Q. So you're testifying that you brought some 24 of your things to a storage space, which was a</p>

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1 storage space of your boyfriend's; correct?
2 **A. Yes.**
3 Q. And you included, among those things, was
4 your iPhone 10?
5 **A. Yes.**
6 Q. For how long was your iPhone 10 in that
7 storage space?
8 **A. So it must have been from, like, around**
9 **that time, until that -- that summer. So I'm -- I'm**
10 **sorry. There's a really loud -- do you hear it?**
11 **It's kind of distracting.**
12 Q. I don't hear it. But do you need to close
13 a door or --
14 **A. It's outside construction. Sorry. So it**
15 **was in my storage space and when I -- I started**
16 **moving some things from the storage space to my**
17 **apartment in Pennsylvania, around that summer, that**
18 **May, that I was looking for some things around the**
19 **time of my deposition.**
20 Q. So let me understand what you're
21 testifying.
22 What is the date range, approximately,
23 when you kept your iPhone 10 in the storage space?
24 **A. To would have been, you know, I think,**

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1 **2020, maybe early 2021. It was in storage until --**
2 **until around May of 2022-ish. April or May, I**
3 **think, around that time.**
4 Q. And what happened in April or May of 2022
5 with your iPhone 10?
6 **A. I found it when I was going through some**
7 **of the boxes and luggage bags that had been in**
8 **storage.**
9 Q. You found it when it was in storage?
10 **A. Oh, no. No. No. I took the bags. I**
11 **took the bags to Pennsylvania and then I went**
12 **through the bags. And then when I went through the**
13 **bags, I found the phone that was -- once I had**
14 **already transported the bag to Pennsylvania.**
15 Q. When did you bring the bags from the
16 storage location to your residence in Pennsylvania?
17 **A. I think, around the time of April or May**
18 **of 2022.**
19 Q. What prompted that?
20 **A. I was looking for summer clothes and I was**
21 **moving -- was always moving from my location in New**
22 **York, so I was migrating the things over to**
23 **Pennsylvania. And then it was -- the seasons were**
24 **changing, so I was wanting to get my summer wardrobe**

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1 **out. So I had it there, in case I needed it. And**
2 **then I went through it when I was looking for a**
3 **discovery item that had been requested from me.**
4 Q. All right. What -- what time period are
5 we talking about now? This is, about, April or May
6 of 2022?
7 **A. Yeah, I think -- is that the right year?**
8 **The time of the deposition -- for my deposition.**
9 Q. All right. Your deposition was in May of
10 2022.
11 **A. Yeah, so that. Yeah.**
12 Q. Okay. So before that or after that?
13 **A. I brought the bags -- it was around then.**
14 **The bags had been -- I remember the bags got moved**
15 **around that time because, like I said, I was looking**
16 **to change out my clothes. And then I didn't really**
17 **go through them. I went through them when I needed**
18 **to because I was -- there was something that was**
19 **requested in the discovery.**
20 Q. What are you referring to that was
21 requested in the discovery?
22 **A. A dress.**
23 Q. What did you do to search for the dress?
24 **A. I just went through various bags and boxes**

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1 **that were in -- that were brought from my storage**
2 **space to Pennsylvania.**
3 Q. All right. Moving just backward in time.
4 What prompted you to take items from the
5 storage space and bring them to your home in
6 Pennsylvania?
7 **A. Like, I just wanted to have my stuff.**
8 **Like, it was changing seasons. Like, I had a lot of**
9 **summer stuff in there and I just wanted to be able**
10 **to, like, change my wardrobe for, like, the season.**
11 Q. What did you move from the storage space
12 to Pennsylvania?
13 **A. Some luggage, bags, some boxes, maybe some**
14 **-- some bags. Like -- like I had some stuff in,**
15 **like -- I think I had some shoes in a different type**
16 **of bag.**
17 Q. And did you look through those items when
18 you received them from storage?
19 **A. Not -- no. Not immediately, no.**
20 Q. Did you see your iPhone 10 in storage?
21 **A. No. It was, like, in the luggage bag.**
22 Q. In the same bag where you later retrieved
23 it in the closet in Pennsylvania, the hard-shell
24 luggage bag?

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1 A. Yeah. But, like, when I retrieved it, it
2 had been -- it was out of the luggage bag.
3 Q. How did it get out of the luggage bag?
4 A. I had found it while I was looking through
5 it around, like, maybe May. Around that time. So
6 then I took the phone and the bags that -- it's in,
7 like, a big dust bag that holds, like, purses.
8 There were purses in there. The phone was in there.
9 Then I took those bags out and put them in the shelf
10 in the closet. So it was out of the hard-shell
11 luggage.
12 Q. How did it get in the hard-shell luggage?
13 A. I put it in there when I was moving.
14 Q. Roughly, when was that?
15 A. I -- I'm very fuzzy on the dates. I
16 apologize. I would have, like, reviewed the dates
17 to answer these questions better, but I just didn't
18 realize that I would be asked this. So, like, I
19 just don't remember, off the top of my head.
20 Q. So you don't remember when you put your
21 iPhone 10 in the hard-shelled luggage, in which you
22 -- where you found it?
23 A. Yeah. It was definitely one of the times
24 that I was moving. Most likely from when I had to

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1 leave the apartment because of the flood and we just
2 packed everything up.
3 Q. Why did you keep your iPhone 10, rather
4 than get rid of it?
5 A. I don't know. Just to have it.
6 Q. Prior to the -- what you testified about,
7 in June of 2022, when you accessed the iPhone 10.
8 Prior to that, when had you previously
9 accessed that phone?
10 A. I don't -- I don't remember. It would
11 have been around, like, when I switched phones.
12 Like, I wasn't using it. The exact date, I don't
13 remember.
14 Q. The -- the materials that you provided to
15 your counsel after you found your phone, was that
16 the phone itself, the iPhone 10 itself, or did you
17 provide a backup or some hard drive, something other
18 than the phone, itself?
19 A. I gave them the phone, itself.
20 Q. So you no longer have it?
21 A. Correct.
22 Q. And the phone that you gave them, the
23 iPhone 10, was it in the condition in which you
24 found it?

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1 A. Yes. I'm sorry. Can we take a break? I
2 just want to get headphones. This beeping is really
3 loud.
4 Q. Sure. Of course.
5
6 (An off-the-record discussion was held.)
7
8 Q. The lawsuit for which we are all here
9 began with a complaint, on your behalf, that was
10 filed in July of 2019.
11 Does that sound about right?
12 A. Yes.
13 Q. And prior to the filling of the complaint,
14 you retained counsel in this case?
15 A. Yes.
16 Q. That was not Ms. DeCarlo's firm, you had
17 prior counsel; right?
18 A. Yes.
19 Q. Prior to filling this suit, you met with
20 counsel to discuss the case?
21 A. Yes.
22 Q. Did you provide your counsel with any
23 documents or other evidence?
24 A. It -- there were so many cases.

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1 Q. Sure. I'm not asking about any other
2 cases. I'm asking about this case, all right?
3 You've brought a lawsuit against Mr.
4 Wardak; right? It's in the Southern District of the
5 New York?
6 A. Yes. Yes.
7 Q. A complaint was filed on your behalf with
8 your allegations on July 5th of 2019; is that right?
9 A. Yes.
10 Q. Prior to that, you discussed this case
11 with your counsel?
12 A. Yes.
13 Q. Did you and your counsel discuss --
14 withdrawn.
15 Did you provide your counsel with
16 documents or any other evidence that was relevant in
17 the case?
18 A. Some, I believe. Yes.
19 Q. What documents or other evidence did you
20 provide?
21 A. I don't know. I don't think we were in
22 discovery with my prior attorney.
23 Q. Sure. I'm not asking you about discovery.
24 A. Okay.

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1 Q. Okay. The question is: Prior to filing
2 the complaint in this case, which was on July 5th,
3 2019, did you provide documents or other evidence to
4 your counsel?
5 A. Yes.
6 Q. What?
7 A. I think, like, copies of the restraining
8 order, some things that had been in litigation from
9 the restraining order, some litigation from Florida,
10 and complaints from Florida, some e-mails. I don't
11 know. I don't remember everything. That's what
12 comes to mind.
13 Q. Did you look for e-mails, texts, other
14 items, that could be relevant in the case?
15 A. Yes.
16 Q. Where did you look?
17 A. My e-mail -- my e-mail, my phone.
18 Q. When you say your e-mail, you went into
19 your, like, Gmail account?
20 A. Yes, but I gave may passwords, as well.
21 So -- so they also looked.
22 Q. You gave your passwords to your Gmail
23 account to counsel?
24 A. Yes.

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1 Q. For the purpose of them looking for
2 relevant e-mails?
3 A. Yes.
4 Q. All right. And you said you looked on
5 your phone?
6 A. Yes.
7 Q. What did you look for?
8 A. I guess -- well, I'm sorry. Are we
9 talking about, like -- which lawyer are we talking
10 about?
11 Q. We are now talking about your counsel
12 prior to Miss DeCarlo's firm, prior to you filling
13 your complaint.
14 A. Yes. I think I looked for, like, text
15 messages and e-mails and, like, WhatsApp messages.
16 Q. And you looked on your phone?
17 A. Yes.
18 Q. And that was the iPhone 10?
19 A. Yes.
20 Q. On which was the video recording you've
21 been testifying about?
22 A. Yes.
23 Q. Did you provide your counsel with the
24 video recording?

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1 A. Not that I recall, no.
2 Q. Why not?
3 A. I don't think I had it. I don't think
4 that I knew that I had it.
5 Q. What do you mean you don't think you knew
6 that you had it?
7 A. I forgot that I had the video. I thought
8 it had been deleted.
9 Q. What do you mean you forgot you had the
10 video, you thought it had been deleted?
11 A. Exactly that. Like, I didn't think that I
12 had this video anymore.
13 Q. Why?
14 A. I -- I looked for it on my phone and --
15 I'm talking about my newer phone. And I didn't see
16 it there. It wasn't there, so I thought that I had
17 deleted it.
18 Q. When you testify you looked for it on your
19 phone, your newer phone, which phone are you
20 remembering to?
21 A. The iPhone 12.
22 Q. So not the iPhone 10 on which the video
23 was recorded?
24 A. Yeah. Yeah.

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1 Q. When did you look for the video on the
2 iPhone 12?
3 A. I don't -- I don't recall, specifically,
4 like looking for it. I just didn't see it or have
5 it on the phone, so I thought that I deleted it.
6 Q. So you testified moments ago that you
7 looked for it on the new phone, which you then
8 clarified as the iPhone 12?
9 A. Yes.
10 Q. When did you look for it?
11 A. Like I said, I don't know that I,
12 specifically, like, looked for this video. I looked
13 for discovery documents or, you know, things that
14 were relevant to the case. And I never saw -- I
15 hadn't seen the video, so I just thought that I
16 deleted it and that I didn't have it anymore.
17 Q. So you were aware that you had taken a
18 video, yourself, of Mr. Wardak on your phone;
19 correct?
20 A. Yes.
21 Q. A point in time came when you looked for
22 that video; is that correct?
23 A. I just -- I don't know if I was,
24 specifically, looking for that or if I was just

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<p>1 looking for everything.</p> <p>2 Q. Well, do you understand that video is</p> <p>3 something that has to be produced in this case?</p> <p>4 A. Yes.</p> <p>5 Q. You were never under the impression that</p> <p>6 the video was something that you could ignore; is</p> <p>7 that right?</p> <p>8 A. After litigation, correct. Yes.</p> <p>9 Q. And let me return now to the time period</p> <p>10 that I was in and then we'll go forward. But I'm</p> <p>11 focused now on when you brought the complaint in</p> <p>12 this case.</p> <p>13 A. Okay.</p> <p>14 Q. And prior to that, you met with counsel.</p> <p>15 And, generally, I don't need to get into the</p> <p>16 particulars. We don't want to do that.</p> <p>17 But you talked to counsel about the case.</p> <p>18 Is that fair to say?</p> <p>19 A. Yes.</p> <p>20 Q. And you talked about what documents or</p> <p>21 items you had in your possession that are relevant</p> <p>22 in the case with your counsel?</p> <p>23 MS. DeCARLO: Objection. I'm going to</p> <p>24 instruct the client -- the deponent not to</p>	<p>1 2019? I'm confused on the timeline. Just so</p> <p>2 the deponent -- witness is clear on this, as</p> <p>3 well.</p> <p>4 MR. ALLEE: Sure.</p> <p>5 Q. Prior -- prior to July 25th, 2019, when a</p> <p>6 complaint was filed on your behalf in this case, did</p> <p>7 you provide the video recording to your counsel?</p> <p>8 A. No.</p> <p>9 Q. Now, you switched counsel to Ms. DeCarlo's</p> <p>10 firm during the case; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. Roughly, April 27th of 2020.</p> <p>13 Does that sound about right?</p> <p>14 A. Yes.</p> <p>15 Q. Did you provide your new counsel with</p> <p>16 documents or other items that are relevant in the</p> <p>17 case?</p> <p>18 A. Yes.</p> <p>19 Q. Did you provide the video recording?</p> <p>20 A. I provided the video recording, like, the</p> <p>21 date that I told you.</p> <p>22 Q. June 27th of 2022?</p> <p>23 A. Yes.</p> <p>24 Q. All right. So I'm now two years-plus</p>
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<p>1 answer that question.</p> <p>2 Q. Are you following your counsel's</p> <p>3 instructions?</p> <p>4 A. Yes.</p> <p>5 Q. Did you provide the video recording to</p> <p>6 your counsel?</p> <p>7 A. Is that the same thing?</p> <p>8 Q. Do you not understand that question?</p> <p>9 A. No. I'm very -- I'm so confused. Am I</p> <p>10 supposed to answer your last question? Am I</p> <p>11 supposed to answer this question?</p> <p>12 Q. Unless your counsel instructs you not to</p> <p>13 answer and you abide that instruction, you answer</p> <p>14 the question.</p> <p>15 A. Okay. So -- I'm sorry. What was the</p> <p>16 question?</p> <p>17 Q. Did you provide the video recording to</p> <p>18 your counsel?</p> <p>19 MS. DeCARLO: This was already asked and</p> <p>20 answered much earlier on. There's already an</p> <p>21 answer to this question, counsel.</p> <p>22 Q. You can answer.</p> <p>23 A. No. Not that I recall, no.</p> <p>24 MS. DeCARLO: Are you referencing prior to</p>	<p>1 before that.</p> <p>2 A. Yes.</p> <p>3 Q. April of 2020.</p> <p>4 A. Yes.</p> <p>5 Q. You have new counsel then; correct?</p> <p>6 A. Yes.</p> <p>7 Q. Presumably, you met with your new counsel</p> <p>8 at some time; correct?</p> <p>9 A. Yes.</p> <p>10 Q. You provided something to your new</p> <p>11 counsel, documents, other items that are relevant in</p> <p>12 the case; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Did you provide the video recording?</p> <p>15 A. At that time, no.</p> <p>16 Q. Did you think that the video recording</p> <p>17 didn't have to be provided?</p> <p>18 A. No.</p> <p>19 Q. Did you search for the video recording?</p> <p>20 A. I don't remember if I searched,</p> <p>21 specifically. But I searched for, like, relevant</p> <p>22 things on my phone.</p> <p>23 Q. Right. And the phone you had at that</p> <p>24 time, April of 2020, when you got new counsel, was</p>

<p style="text-align: right;">Page 77</p> <p>1 the iPhone 10; correct?</p> <p>2 A. Yes.</p> <p>3 Q. Which you were carrying around with using</p> <p>4 all the time; right?</p> <p>5 A. Correct.</p> <p>6 Q. And on that phone was the video recording</p> <p>7 we're talking about; correct?</p> <p>8 A. Yes.</p> <p>9 Q. And you did not provide that to counsel.</p> <p>10 Is that your testimony?</p> <p>11 A. Yes.</p> <p>12 Q. Did you understand that that's something</p> <p>13 that would need to be produced in the case?</p> <p>14 A. Yes. But I wasn't aware that I had it.</p> <p>15 Q. Why were you not aware that you had it?</p> <p>16 A. I just, like, didn't know that I had it.</p> <p>17 Q. What would you have needed to do -- to</p> <p>18 have done to find it?</p> <p>19 A. I would -- like, I would have to search in</p> <p>20 the hidden folder. But I'm a little confused now.</p> <p>21 I just need to back up a second. Because when I did</p> <p>22 provide them with discovery with all of my</p> <p>23 information, that was when I had a new phone.</p> <p>24 Q. Sure. I'm not asking you about that.</p>	<p style="text-align: right;">Page 79</p> <p>1 would have had to have looked in April of 2020 in</p> <p>2 the hidden folder; is that right?</p> <p>3 A. April of -- yes. Yes. Yes.</p> <p>4 Q. How do you know it was in the hidden</p> <p>5 folder in April of 2020?</p> <p>6 A. I don't, actually, know. I am just</p> <p>7 assuming because that's where it was when I found</p> <p>8 it. And I didn't, like, see what was in the hidden</p> <p>9 folder because it was hidden. So it wasn't, like,</p> <p>10 in the camera roll.</p> <p>11 Q. Right. But I don't -- tell me if I have</p> <p>12 this right. I don't understand your testimony to be</p> <p>13 that files on your phone automatically go to a</p> <p>14 hidden folder.</p> <p>15 That's not what you're saying; right?</p> <p>16 A. No. No.</p> <p>17 Q. You have to choose to and then do</p> <p>18 something to put them in the hidden folder?</p> <p>19 A. Yes. You have to click on them and then</p> <p>20 there's, like, a side. And you hid it and then it</p> <p>21 goes into the hidden folder.</p> <p>22 Q. And it is your testimony that you did that</p> <p>23 with respect to this video?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 78</p> <p>1 A. Okay.</p> <p>2 Q. What would you have needed to have done in</p> <p>3 April of 2020 --</p> <p>4 A. Okay.</p> <p>5 Q. -- to retrieve the video recording that</p> <p>6 you later are testifying you retrieved in June of</p> <p>7 2022?</p> <p>8 A. I would have had to look in the iPhone 10</p> <p>9 in the hidden folder.</p> <p>10 Q. Right. The same things you did in June of</p> <p>11 '22; correct?</p> <p>12 A. Yes. Correct.</p> <p>13 Q. Just two years earlier?</p> <p>14 A. Yes.</p> <p>15 Q. And it was on a phone that you carried</p> <p>16 around with you; correct?</p> <p>17 A. Correct. Yes.</p> <p>18 Q. Presumably, you even brought it to the</p> <p>19 meetings with your counsel; correct?</p> <p>20 A. Yes. At that time, yes.</p> <p>21 Q. It was the phone you used to communicate</p> <p>22 with your counsel mostly; is that right?</p> <p>23 A. Yeah, until 2020. Correct. Yes.</p> <p>24 Q. Now, you -- you're testifying that you</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Now, you had previously testified that in</p> <p>2 about May of 2020, you retrieved a different old</p> <p>3 phone.</p> <p>4 Do you recall that testimony?</p> <p>5 A. I'm sorry. In May of 2020 I retrieved an</p> <p>6 old phone?</p> <p>7 Q. Yes.</p> <p>8 A. I would need a little more context, like,</p> <p>9 what we're talking about.</p> <p>10 Q. So you referred, earlier today even, to</p> <p>11 another phone that you used for international</p> <p>12 purposes that didn't work here.</p> <p>13 Does that ring a bell?</p> <p>14 A. Sure, yeah.</p> <p>15 Q. Is there something -- by what -- how did</p> <p>16 you refer to that phone yourself?</p> <p>17 A. How do I refer to which phone? The</p> <p>18 international one?</p> <p>19 Q. What did you call that phone?</p> <p>20 A. An iPhone -- my London iPhone. The one</p> <p>21 that I used in Europe.</p> <p>22 Q. Sure. London iPhone. Can we call it the</p> <p>23 London iPhone and we'll understand each other?</p> <p>24 A. Yeah, of course.</p>

<p style="text-align: right;">Page 81</p> <p>1 Q. When did you seize using the London 2 iPhone? 3 A. I don't remember, specifically. When I 4 moved from London. 5 Q. Roughly, when was that? 6 A. 2018, probably in, like, March or April of 7 2018. 8 Q. Did you keep that phone? 9 A. Yes. 10 Q. Where did you keep it? 11 A. I don't remember, like, where I kept it. 12 But I just -- I do remember having it in my New York 13 apartment on West 18th Street, which was, like, in 14 2018. Because I remember my roommate's dog, like, 15 broke -- broke the back. That's the only reason why 16 I remember that because the dog smashed my phone and 17 I was kind of annoyed. 18 Q. That's the phone that was smashed or 19 broken? 20 A. Yeah. 21 Q. All right. And there came a point in time 22 during the litigation -- during this case -- 23 A. Okay. 24 Q. I'm getting to the end of the question.</p>	<p style="text-align: right;">Page 83</p> <p>1 STATE OF NEW YORK) 2 COUNTY OF ss: 3) 4 5 I, SARAH GOOLDEN, hereby certify that I have 6 read the pages of the foregoing testimony of this 7 deposition and hereby certify it to be a true and 8 correct record. 9 10 11 12 _____ 13 SARAH GOOLDEN 14 15 16 17 18 Sworn to before me this 19 ____ day of ____, 2023. 20 21 22 _____ 23 Notary Public 24</p>
<p style="text-align: right;">Page 82</p> <p>1 Where you retrieved that phone and searched it; is 2 that correct? 3 A. Maybe. I don't remember. 4 MR. ALLEE: Okay. You know, we're -- it's 5 11 -- off the record. 6 7 (An off-the-record discussion was held.) 8 9 (Time noted: 11:59 p.m.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 84</p> <p>1 I N D E X 2 EXAMINATION 3 BY MR. ALLEE: 5 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

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1 C E R T I F I C A T I O N

2 STATE OF NEW YORK)
3 COUNTY OF WESTCHESTER) ss.

4 I, MAGGIE J. KLASSEN, Court Reporter and
5 Notary Public within and for the County of
6 Westchester, State of New York, do hereby certify:

7 That I reported the proceedings that
8 are hereinbefore set forth, and that such transcript
9 is a true and accurate record of said proceedings.

10 AND, I further certify that I am not
11 related to any of the parties to this action by
12 blood or marriage, and that I am in no way
13 interested in the outcome of this matter.

14

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand.

17

18

19

20



21

MAGGIE J. KLASSEN

22

Court Reporter

23

24

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1 E R R A T A S H E E T

2 Deposition of: SARAH GOOLDEN

3 Re: SARAH GOOLDEN vs. HAMED WARDAK

4 Date Taken: May 1, 2023

5 Page Line # Correction Reason

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 (Signature)

20 Sworn to before me this

21 ___ day of _____, 2023.

22 _____

23 Notary Public

24

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HAMED WARDAKSARAH GOOLDEN
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In The Matter Of:
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SARAH GOOLDEN

Vol. 2

May 5, 2023

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Original File GOOLDEN_SARAH - Vol. 2 (5_5_2023).txt

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1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF NEW YORK
 3 -----X
 4 SARAH GOOLDEN,
 5
 6 Plaintiff,
 7
 8 -against- 19-CV-6257(ALC)(VF)
 9
 10 HAMED WARDAK,
 11
 12 Defendant.
 13 -----X
 14 May 5, 2023
 15 9:08 a.m.
 16
 17
 18
 19
 20
 21
 22
 23
 24

15 CONTINUED VIRTUAL DEPOSITION of SARAH GOOLDEN, the
 16 Plaintiff herein, taken pursuant to Court Order, and
 17 held remotely via videoconference, before Ilana
 18 Brown, a Court Reporter and Notary Public of the
 19 State of New York.
 20
 21
 22
 23
 24

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 18
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 20
 21
 22
 23
 24

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1 IT IS HEREBY STIPULATED AND AGREED, by and
 2 between the attorneys for the respective parties
 3 herein, that filing and sealing be and the same are
 4 hereby waived.
 5
 6 IT IS FURTHER STIPULATED AND AGREED that all
 7 objections, except as to the form of the question,
 8 shall be reserved to the time of the trial.
 9
 10 IT IS FURTHER STIPULATED AND AGREED that the
 11 within deposition may be signed and sworn to before
 12 any officer authorized to administer an oath, with
 13 the same force and effect as if signed and sworn to
 14 before the Court.
 15
 16
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 18
 19
 20
 21
 22
 23
 24

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1 SARAH GOOLDEN,
 2 having first been duly sworn by the Notary Public
 3 (Ilana Brown), and stating her address as 251 West
 4 18th Street, New York, New York, was examined and
 5 testified as follows:
 6
 7 **EXAMINATION**
 8 **BY MR. ALLEE:**
 9 Q. Good morning, Ms. Goolden.
 10 A. **Good morning.**
 11 Q. Have -- firstly, are you clear in your
 12 mind today?
 13 A. **Yes.**
 14 Q. I won't go over all of the initial breadth
 15 of instructions, but they're the same as last time
 16 we met. Do you understand?
 17 A. **Yes.**
 18 Q. Since we last met for the first part of
 19 your deposition, have you done anything to prepare
 20 for today's deposition?
 21 A. **No.**
 22 Q. Have you reviewed any documents that are
 23 related to the case since we last met for your
 24 deposition?

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1 **A. No.**
 2 Q. I want to turn to prior discovery produced
 3 in the case, prior to the video recording, which I
 4 previously -- for simplicity and clarity, I've
 5 referred to in shorthand as just the video
 6 recording. Do you understand what I mean when I say
 7 that?
 8 **A. Yes.**
 9 Q. That's the recording that was on your
 10 iPhone 10 that was taken around July 8th of 2018 and
 11 produced in late June of 2022. So I'll call that
 12 the video recording.
 13 **A. Yes.**
 14 Q. Okay. So I want to turn to prior
 15 discovery. First, just generally, are you aware
 16 that discovery was previously produced in the case,
 17 before the video recording?
 18 **A. I don't think so.**
 19 Q. And when I say discovery, let me actually
 20 break that down. Are you aware that your counsel
 21 produced to Mr. Wardak's counsel documents and other
 22 items, which can be sometimes referred to in
 23 shorthand as discovery?
 24 **A. I don't know. Honestly, there have been**

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1 **so many cases and there have been so many attorneys.**
 2 **It's, like, difficult to know exactly what you're**
 3 **referring to.**
 4 Q. Sure. When you testified on Monday during
 5 the first portion of this deposition, you referred
 6 to discovery that you reviewed on the night of
 7 June 28th of 2022. Do you recall that?
 8 **A. Oh, yes. Yes. Yes.**
 9 Q. What was that?
 10 **A. The discovery for this case.**
 11 Q. Yes.
 12 **A. Yes. Yeah. Okay. Is that what you're**
 13 **referring to?**
 14 Q. I don't know. I'm asking you, what was it
 15 that you reviewed?
 16 **A. Oh, text messages. Communications between**
 17 **your client and me, mostly.**
 18 Q. Were those items that you just had
 19 yourself or were they part of document productions
 20 between the parties in the case?
 21 **A. Document productions between the parties**
 22 **in the case.**
 23 Q. You're aware that there are documents
 24 produced by your side to Mr. Wardak's counsel in

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1 this case; correct?
 2 **A. Yes.**
 3 Q. And that was done prior to June 28th of
 4 2022?
 5 **A. Yes.**
 6 Q. Did you participate in efforts to search
 7 for relevant documents to make those productions in
 8 discovery?
 9 **A. Yes.**
 10 Q. Can you please describe, as fully and as
 11 best you can, what steps you took to search for
 12 relevant documents in order that they be produced in
 13 discovery?
 14 **A. I provided my lawyers with my log-ins for**
 15 **my email and any -- all social media accounts that**
 16 **were requested, and I uploaded all of my WhatsApp**
 17 **messages and iMessages.**
 18 Q. Regarding the last part of your answer,
 19 you uploaded your WhatsApp messages and your
 20 iMessages from what phone?
 21 **A. It was from my newer phone that I had at**
 22 **the time. I don't -- it was -- it wasn't the 10, so**
 23 **it must have -- I think it was the 11.**
 24 Q. When you testified previously, you thought

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1 it was an iPhone 11 or 12; correct?
 2 **A. Yes, something like that. I don't really**
 3 **remember these mundane details.**
 4 Q. The -- it's the phone that you got in
 5 about late October of 2020; correct?
 6 **A. I think so. If that's when the discovery**
 7 **was, yeah.**
 8 Q. But I'll turn in a moment to some dates,
 9 if that may help, in terms of when the discovery
 10 was, but I need to ask this first, just as broadly
 11 as I can: If you can tell me, as best as you can
 12 recall, what -- I'm trying to understand, what did
 13 you do to search for relevant documents? So I
 14 understand you've described some steps, and they
 15 include uploading messages from an iPhone, which was
 16 your iPhone 11 or 12; is that correct?
 17 **A. I believe so, yes.**
 18 Q. Did you, in searching for relevant
 19 documents and items in the case for purposes of
 20 discovery, search your iPhone 10 prior to June 28th,
 21 2022?
 22 **A. I don't know.**
 23 Q. Why don't you know?
 24 **A. I mean, you're asking me, like, things**

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1 from a long time ago that are pretty mundane. I
2 mean, I gave them my passwords from my email address
3 and my messages that were transported onto my phone
4 and I gave what I had on my phone. I gave them what
5 I believed was everything.
6 Q. When you say I'm asking you things that
7 are pretty mundane, what do you mean by that?
8 A. It's pretty mundane to me, like, what I --
9 this -- these questions, to me, are very mundane. I
10 don't remember all of the details, and it was from a
11 long time ago.
12 Q. So I'm going to ask about this again.
13 Whether or not it's mundane, will you do your best
14 to answer this question?
15 A. As I have been.
16 Q. Prior to June 28th, 2022, did you ever
17 search your iPhone 10 for relevant documents in this
18 case?
19 A. Prior to it, have I searched?
20 Potentially.
21 Q. Are you unable to answer that question yes
22 or no?
23 A. I don't know. I don't want to speculate.
24 It's too important to guess.

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1 Q. Certainly not asking you to guess. Do you
2 not remember whether you searched your iPhone 10
3 previously?
4 MS. DeCARLO: Counsel, sorry. Just to
5 clarify for my purposes, are you asking
6 specifically to discovery on this case or on
7 other cases, or just this one?
8 MR. ALLEE: Well, I am asking about for
9 purposes of discovery in this case, but the
10 question --
11 MS. DeCARLO: Are you asking the witness
12 if she searched her iPhone 10 for the purposes
13 of producing discovery on this case or --
14 MR. ALLEE: That is what I've asked.
15 Pardon me, Aureore. Go ahead.
16 MS. DeCARLO: Do you want me to repeat the
17 question?
18 MR. ALLEE: Well, that's what I've asked,
19 but I'm happy to ask it more broadly, if
20 that --
21 MS. DeCARLO: Okay. I was clarifying for
22 my purposes, because I was just -- I wanted to
23 make sure that we're asking for the purposes of
24 discovery on this case, because I think there

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1 might be some confusion around that.
2 MR. ALLEE: Sure. Thank you. Let me ask
3 it then without any such limitation.
4 Q. Ms. Goolden, prior to your searching the
5 iPhone 10 on or about June 28th of 2022, did you
6 ever search your iPhone 10 for the purpose of
7 finding any item on it related to any litigation,
8 any dispute, anything to do with Mr. Wardak?
9 A. Yes.
10 Q. When?
11 A. I don't know.
12 Q. How many times?
13 A. I don't know.
14 Q. What's your best recollection of what you
15 did that caused you to answer that question yes?
16 A. Well, we've been involved in multiple
17 cases; right? So I mean, initially, there was a
18 restraining order, you know. I don't need to get
19 into the history with you. I'm sure you're well
20 aware, but there was multiple -- there has been a
21 lot of litigation prior to this. So, yes, when the
22 phone was used, that's what I looked for. I went
23 through our messages, which were also on that phone.
24 Q. What's your best recollection of when you

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1 searched your iPhone 10 for items that you thought
2 were relevant to litigation?
3 A. With the restraining order case maybe.
4 Q. Did you not search your iPhone 10 for
5 purposes of finding relevant items in this case in
6 which you're testifying?
7 A. I don't think so, because at the time, I
8 believe I had the new phone, and everything that was
9 on that phone I believed had transferred to my new
10 phone.
11 Q. Why did you believe that?
12 A. Because that's what I thought happened
13 with the phones. I migrated the data and the
14 messages were all there, so that's -- I figured
15 everything migrated.
16 Q. So you're referring to messages. What
17 about videos and photos? Did you believe that
18 videos and photos had migrated from your iPhone 10
19 to your new iPhone that you purchased to replace the
20 iPhone 10?
21 A. Yes.
22 Q. Why did you believe that?
23 A. Well, I don't know if it's so much I
24 believed it. Like, I don't know if I really, like,

<p style="text-align: right;">Page 108</p> <p>1 thought about it, like, oh, this is a belief, but</p> <p>2 the data is supposed -- is, like, what I think</p> <p>3 migrates. So, like, when I changed my phone, I did</p> <p>4 the thing where you put the two phones next to each</p> <p>5 other and then the data transfers over.</p> <p>6 Q. For purposes of this litigation and the</p> <p>7 discovery to be produced in this litigation, did you</p> <p>8 ever search your iPhone 10 for any videos or photos</p> <p>9 relevant to Mr. Wardak?</p> <p>10 A. Sorry. Could you repeat the question?</p> <p>11 MR. ALLEE: Sure. I'll ask that it be</p> <p>12 read back, Ms. Brown. Thank you.</p> <p>13</p> <p>14 (Record read back.)</p> <p>15</p> <p>16 A. Yes.</p> <p>17 Q. Can you describe for me the search that</p> <p>18 you conducted?</p> <p>19 A. I looked through the pictures and videos.</p> <p>20 Q. When did you do that?</p> <p>21 A. Well, from -- what I specifically recall</p> <p>22 is the date that I found the video in question.</p> <p>23 Q. So you're referring now to the instance</p> <p>24 after Mr. Wardak's first day of testimony?</p>	<p style="text-align: right;">Page 110</p> <p>1 the witness not to answer that question --</p> <p>2 MR. ALLEE: And I assume, and I'll just</p> <p>3 make a record --</p> <p>4 MS. DeCARLO: -- on the grounds of</p> <p>5 privilege.</p> <p>6 MR. ALLEE: It's a privilege objection.</p> <p>7 Q. So Ms. Goolden, are you following that</p> <p>8 instruction?</p> <p>9 A. Yes.</p> <p>10 Q. Did you bring to your counsel's attention</p> <p>11 that you had in your possession the iPhone 10 and</p> <p>12 that you chose not to search it?</p> <p>13 MS. DeCARLO: Objection on same grounds.</p> <p>14 I'm going to instruct the witness not to</p> <p>15 answer.</p> <p>16 Q. And I think the record will be clear. I'm</p> <p>17 not going to ask -- I will assume, Ms. Goolden,</p> <p>18 you're going to follow your counsel's instruction on</p> <p>19 privilege.</p> <p>20 A. Yes.</p> <p>21 Q. Ms. Goolden, your counsel informed</p> <p>22 Mr. Wardak's counsel on March 19th of 2021 that a</p> <p>23 reasonable search was going to be conducted for</p> <p>24 relevant items. Did you participate in such a</p>
<p style="text-align: right;">Page 109</p> <p>1 A. Yes.</p> <p>2 Q. At any point prior to that, did you</p> <p>3 conduct such a search?</p> <p>4 A. No, I don't believe so, because I looked</p> <p>5 on the new phone.</p> <p>6 Q. Are you saying that you chose not to</p> <p>7 search your prior phone because you instead chose to</p> <p>8 search your subsequent phone?</p> <p>9 A. I don't know if it's so much so a choice.</p> <p>10 It was like -- the phone was also in storage, so I</p> <p>11 didn't exactly know where it was at the time. But</p> <p>12 at the same time, I didn't think it mattered,</p> <p>13 because I figured everything was on the new phone.</p> <p>14 Q. Your testimony is, you didn't think it</p> <p>15 mattered to search the phone that you used at the</p> <p>16 time of the events that you allege because you</p> <p>17 thought that the contents of that phone were on your</p> <p>18 subsequent phone? That's your testimony?</p> <p>19 A. Part of it, yes.</p> <p>20 Q. In making that choice, did you --</p> <p>21 withdrawn.</p> <p>22 Did you discuss that choice with your</p> <p>23 counsel?</p> <p>24 MS. DeCARLO: Objection. I'm instructing</p>	<p style="text-align: right;">Page 111</p> <p>1 search?</p> <p>2 A. Am I answering this now?</p> <p>3 Q. Yes.</p> <p>4 MS. DeCARLO: Yes, you can answer this.</p> <p>5 A. Sorry. I'm just confused. But yes, I</p> <p>6 participated in a reasonable search.</p> <p>7 Q. What did you do?</p> <p>8 A. I -- I gave the phone to my counsel.</p> <p>9 Q. I think -- I think you maybe missed the</p> <p>10 question. Let me try it again, just so we don't</p> <p>11 have confused testimony. It's okay. Let's just try</p> <p>12 it again. Ms. Goolden, your counsel represented to</p> <p>13 Mr. Wardak's counsel on March 19th of 2021 that a</p> <p>14 reasonable search was being conducted for purposes</p> <p>15 of discovery for relevant items. Did you</p> <p>16 participate in that search?</p> <p>17 A. Yes.</p> <p>18 Q. What did you do?</p> <p>19 A. Sorry. Is this after the video came up or</p> <p>20 is this before?</p> <p>21 MS. DeCARLO: March 2021.</p> <p>22 A. So this is -- the dates are confusing for</p> <p>23 me.</p> <p>24 Q. I don't know what to ask you to make that</p>

<p style="text-align: right;">Page 112</p> <p>1 more clear.</p> <p>2 A. So the reasonable searches that I did, I</p> <p>3 explained. I looked for the -- I looked through my</p> <p>4 device. I gave them the passwords to all my</p> <p>5 accounts. They, like, took everything, and that's</p> <p>6 the same answer. That's what I did.</p> <p>7 Q. And that search did not yield the video</p> <p>8 recording; correct?</p> <p>9 A. The initial search, correct.</p> <p>10 Q. In fact, no search ever yielded it,</p> <p>11 according to you, until June 28th of 2022; is that</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Why didn't you look for the video</p> <p>15 recording?</p> <p>16 A. I -- I didn't -- I didn't think I had it.</p> <p>17 Q. Why didn't you think you had it?</p> <p>18 A. I didn't see it in my camera roll.</p> <p>19 Q. Did you look for it in your camera roll?</p> <p>20 A. I looked in the camera roll.</p> <p>21 Q. On which phone?</p> <p>22 A. The iPhone -- I think it was the 10 or</p> <p>23 the -- the 11 or the 12.</p> <p>24 Q. And you did not see the video recording on</p>	<p style="text-align: right;">Page 114</p> <p>1 search then, there were correspondences between your</p> <p>2 counsel and Mr. Wardak's prior counsel into July of</p> <p>3 2021, upon which, on July 2nd, 2021, your counsel</p> <p>4 wrote, Ms. Goolden does not have access to any other</p> <p>5 devices, and that communication did not make</p> <p>6 reference to the iPhone 10. In July of 2021,</p> <p>7 however, you did have access to your iPhone 10;</p> <p>8 correct?</p> <p>9 A. No.</p> <p>10 Q. Where was your iPhone 10?</p> <p>11 A. In storage.</p> <p>12 Q. If you had sought to get it, what would</p> <p>13 you have needed to do?</p> <p>14 A. You're asking me to speculate about</p> <p>15 something that didn't happen, so I'm not comfortable</p> <p>16 speculating.</p> <p>17 MR. ALLEE: Whether or not you're</p> <p>18 comfortable about the question is irrelevant.</p> <p>19 I'll ask that it be repeated.</p> <p>20</p> <p>21 (Record read back.)</p> <p>22</p> <p>23 A. I would have needed to know where it was</p> <p>24 or that I even had it.</p>
<p style="text-align: right;">Page 113</p> <p>1 that phone; correct?</p> <p>2 A. Correct.</p> <p>3 Q. Did you, upon not seeing it on that phone,</p> <p>4 search your iPhone 10?</p> <p>5 A. In '21, no.</p> <p>6 Q. Did you alert anyone to the absence of the</p> <p>7 relevant video recording on your iPhone 11 or 12?</p> <p>8 A. No.</p> <p>9 Q. Did you search your iCloud account for a</p> <p>10 thumbnail of the video recording?</p> <p>11 A. No.</p> <p>12 Q. Did you alert your counsel to the absence</p> <p>13 of the video recording on your iPhone 11 when you</p> <p>14 searched the camera roll?</p> <p>15 MS. DeCARLO: Objection on grounds of</p> <p>16 privilege. I'm going to instruct the witness</p> <p>17 not to answer the question.</p> <p>18 Q. Were you advised by your counsel that it</p> <p>19 was okay not to search your iPhone 10?</p> <p>20 MS. DeCARLO: Objection on the same</p> <p>21 grounds. I'm going to instruct the witness not</p> <p>22 to answer the question.</p> <p>23 Q. Now, after March 19th of 2021 and the</p> <p>24 representations your counsel made about a reasonable</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. Is it your testimony now that you didn't</p> <p>2 know you had your phone?</p> <p>3 A. Yes.</p> <p>4 Q. Your phone, which was in your storage with</p> <p>5 your things, which you had never gotten rid of?</p> <p>6 That's your testimony?</p> <p>7 A. Yes.</p> <p>8 Q. Which you subsequently got and moved to</p> <p>9 your home in Pennsylvania; yes?</p> <p>10 A. Yes.</p> <p>11 Q. And which you promptly retrieved and</p> <p>12 efficiently searched on July 28th, upon Mr. Wardak's</p> <p>13 testimony?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know why your counsel wrote that --</p> <p>16 on July 2nd, 2021, that Ms. Goolden does not have</p> <p>17 access to any other devices?</p> <p>18 A. No.</p> <p>19 Q. Did you inform your counsel that the</p> <p>20 iPhone, that was the iPhone you used at the time of</p> <p>21 the events alleged, was in storage?</p> <p>22 MS. DeCARLO: Objection on grounds of</p> <p>23 privilege. I'm going to instruct the witness</p> <p>24 not to answer.</p>

<p style="text-align: right;">Page 116</p> <p>1 Q. Was it your understanding at the time that 2 because it was in storage you were not responsible 3 for searching that iPhone? 4 A. No. 5 Q. In or about July 2nd of 2021, when your 6 counsel represented that you did not have access to 7 any other devices, did you look for the iPhone 10? 8 A. I don't remember. 9 Q. Did you go to storage? 10 A. No, but I didn't know my phone was in 11 storage. 12 Q. You testified previously that you saw the 13 phone when you were in your home in Pennsylvania or 14 previously, when you were looking through some bags 15 for purposes of finding clothes; correct? 16 A. Yes. 17 Q. When that happened and you saw your phone, 18 what did you do? 19 A. Nothing. Like, it was -- I had the phone. 20 I just had it there. 21 Q. You did not contact your counsel and alert 22 them to the revelation that you had this phone? 23 MS. DeCARLO: Objection on grounds of 24 privilege. I instruct the witness not to</p>	<p style="text-align: right;">Page 118</p> <p>1 A. Yes. 2 Q. When you saw your iPhone 10, which was the 3 phone that you used regularly at the time of the 4 events you allege in this case, and on which there 5 was the video recording, did you contact your 6 counsel? 7 A. No. 8 Q. Is this something that you consider 9 mundane? 10 A. Could you be more specific, please? 11 Q. Sure. The finding of your phone in or 12 about April/May of 2022, was that something mundane 13 to you? 14 A. I don't know if I'd use that word. 15 Q. What's the word you would use? 16 A. Are you looking for a one-word answer? 17 Q. Well, just -- your answer was, I don't 18 know if that's the word you'd use. Is there a word 19 you had in mind? 20 A. I don't know if it's, like, one word. I 21 just don't know how to answer that question. I'm 22 sorry. 23 Q. Well, it was not important enough to 24 contact your counsel so that the contents of the</p>
<p style="text-align: right;">Page 117</p> <p>1 answer. 2 MR. ALLEE: Well, for that, let me see if 3 I can refine that question, because I don't 4 mean to intrude on privilege on that. 5 Q. When you found your phone in the manner 6 you testified at the first portion of this 7 deposition, Ms. Goolden, did you contact your 8 counsel about that, about that topic? 9 MS. DeCARLO: I'm going to object. Again, 10 I think it calls for potential 11 communications -- privileged communications, so 12 I'm going to instruct the witness not to 13 answer. Perhaps, if you want to ask about 14 turning over the phone at that time, if we 15 could get a time frame too, I think that would 16 be helpful. I know Ms. Goolden testified about 17 that on Monday, earlier, but just to refresh 18 her memory, if that's okay. 19 MR. ALLEE: Sure. Thank you. 20 Q. Ms. Goolden, you testified that you saw 21 your iPhone 10 in or about April or May of 2022 in 22 connection with, or at the time that you were 23 searching for or looking at, some of your clothing. 24 Do you recall that testimony?</p>	<p style="text-align: right;">Page 119</p> <p>1 phone be produced to Mr. Wardak; is that correct? 2 A. I thought that everything had been 3 produced already, given that I migrated the data 4 from that phone to a new phone, so I -- correct. 5 Q. You previously testified that you had 6 taken the step of moving the video recording to a 7 hidden file. Do you recall that? 8 A. Yes. 9 Q. Now, regarding your efforts to search your 10 iPhone 11 for relevant files, did you search for a 11 hidden file? 12 A. Yes. 13 Q. What did you find? 14 A. The video is not on that phone. No video. 15 Q. What did you do to search for a hidden 16 file on your iPhone 11 or 12? 17 A. I just looked in the pictures and I looked 18 in the hidden folder. 19 Q. What did you find? 20 A. I don't know. I don't remember everything 21 specifically. 22 Q. What do you remember? 23 A. I don't want to guess. Nothing -- not the 24 video.</p>

<p style="text-align: right;">Page 120</p> <p>1 Q. On August 2nd of 2021, your counsel 2 represented to Mr. Wardak's counsel, Ms. Goolden 3 continues to search her records. What did you do to 4 continue to search your records in about August of 5 2021? 6 A. I don't remember specifically. 7 Q. Did you look for your iPhone 10? 8 A. I don't think so. Like, I didn't even 9 know that I had the phone. 10 MS. DeCARLO: Counsel, sorry. Can you 11 repeat the date of that letter that you're 12 referencing, that communication? 13 MR. ALLEE: Yes, Ms. DeCarlo. August 2nd, 14 2021. I'm referring to an email, not a letter. 15 MS. DeCARLO: Okay. 16 MR. ALLEE: If I said letter, my 17 apologies. I meant to say correspondence. 18 MS. DeCARLO: And you said -- sorry. 19 August -- 20 MR. ALLEE: 2nd. 21 MS. DeCARLO: 2nd. Thank you. 22 MR. ALLEE: Of '21. 23 Q. Ms. Goolden, your counsel made what are 24 called supplemental, you know, additional</p>	<p style="text-align: right;">Page 122</p> <p>1 about that time, did you search for your iPhone 10? 2 A. I don't think so. Again, I don't know if 3 I knew that I had it. 4 Q. Right. Your testimony is, you didn't even 5 know whether you had it or on what date you 6 remembered you had it; correct? 7 A. Yes. 8 Q. And you were previously deposed in this 9 case, not about the matter of the phone, but about 10 the allegations in the case. Do you recall that? 11 A. Yes. 12 Q. You were asked questions during your 13 deposition about your phones; correct? 14 A. If I -- I don't know. 15 Q. You don't recall? 16 A. I don't recall. 17 Q. Upon being deposed in the case and being 18 asked about your phones and the contents of your 19 phones, did you then search for your iPhone 10? 20 A. No. I don't think so. 21 Q. And in fact, you had already found your 22 iPhone 10 by the time you were deposed. Did you -- 23 according to your testimony, did you disclose that 24 to anyone following your deposition testimony, when</p>
<p style="text-align: right;">Page 121</p> <p>1 productions of discovery the following year, in 2 2022, the first on February 15th of 2022. At about 3 that time, did you search for your iPhone 10 for 4 purposes of the supplemental or additional 5 production of discovery? 6 A. No, because I didn't know that I had the 7 phone. 8 Q. Your counsel made another supplemental or 9 additional production of discovery on or about May 10 3rd of 2022. Did you search for your iPhone 10 in 11 or about that time? 12 A. I don't know. 13 Q. Is there anything on Earth that would help 14 you to know the answer to that question? 15 A. No. 16 Q. You just can't answer? 17 A. I don't remember. Like, I don't know 18 specifically which letter you're talking about. I 19 don't know specifically what was produced, what was 20 asked to be produced. Like, I don't know. If you 21 want to show me the document, maybe that would help. 22 Q. No. It's simpler than that. May 3rd, 23 2022, supplemental production, Mr. Wardak, doesn't 24 include the video recording. The question is: At</p>	<p style="text-align: right;">Page 123</p> <p>1 you were asked about the contents of your phone? 2 A. No. I don't think so. 3 Q. After your deposition, were you prompted 4 by the questions you were asked at the deposition to 5 search your iPhone 10 to check for relevant items? 6 A. No. 7 THE WITNESS: Sorry. Did my Zoom come 8 off? 9 MR. ALLEE: No. We can see you. 10 MS. DeCARLO: We're still on. 11 THE WITNESS: So sorry. I was trying -- 12 my email keeps beeping, so I just needed to 13 close it out. Sorry about that. 14 MR. ALLEE: Let's take a short break. 15 16 (Recess taken.) 17 18 BY MR. ALLEE: 19 Q. Ms. Goolden, you -- in your -- the first 20 part of the deposition, you refer to a flood, as I 21 recall, as having been -- prompted, sort of, moving 22 some of your belongings. Do you recall that 23 testimony? 24 A. Yes.</p>

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1 Q. Can you just provide a little more
2 information about when -- about the flood in order
3 for me to understand when that was and why it
4 prompted you to move your things?
5 A. Yeah. There was a flood. There was an
6 issue with the roof and the roof flooded. It was a
7 pretty bad flood, and we had to move out pretty
8 quickly.
9 Q. Do you recall when approximately that was?
10 A. It was like -- I don't remember the exact
11 dates, but it was, like, during, like, Covid. Like,
12 it was after Covid, but it was, like, when things
13 were still pretty -- like, when the -- kind of,
14 near-ish Covid time, if that makes sense. I could
15 double-check, if you want.
16 Q. Double-check, like, right now, in a few
17 moments, or it would take longer than that?
18 A. Oh, like, I mean, I can, like, look into
19 it for you later.
20 Q. Sure. Maybe I'll speak to Ms. DeCarlo
21 about it. But just for purposes of your testimony,
22 do you have, like, a best estimate of roughly when
23 that was?
24 A. It was Covid time, right, so like '20. I

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1 think it was -- yeah. It was 2020, I believe. When
2 would that have been? It was -- yeah, I think 2020.
3 Q. What did it prompt you to do with your
4 things, your possessions?
5 A. Well, I just packed things up pretty
6 quickly and took what I immediately needed with me,
7 and then the rest, I just threw in -- put into
8 storage.
9 MR. ALLEE: Okay. We have no further
10 questions. Thank you for your time.
11 (Time noted: 9:52 a.m.)
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1 STATE OF NEW YORK)
2) ss:
3 COUNTY OF)
4 I, SARAH GOOLDEN, hereby certify that I have
5 read the pages of the foregoing testimony of this
6 deposition and hereby certify it to be a true and
7 correct record.
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18 Sworn to before me this
19 ____ day of ____, 2023.
20
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22
23 Notary Public
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1 I N D E X
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3 EXAMINATION
4 BY MR. ALLEE: 99 9
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1 C E R T I F I C A T I O N
2
3 STATE OF NEW YORK)
4)
5 I, ILANA BROWN, Court Reporter and
6 Notary Public within and for the County of
7 Westchester, State of New York, do hereby certify:
8 That I reported the proceedings that
9 are hereinbefore set forth, and that such transcript
10 is a true and accurate record of said proceedings.
11 AND, I further certify that I am not
12 related to any of the parties to this action by
13 blood or marriage, and that I am in no way
14 interested in the outcome of this matter.
15
16 IN WITNESS WHEREOF, I have hereunto
17 set my hand.
18
19
20
21 *Ilana Brown*
22 ILANA BROWN
23 Court Reporter
24

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1 ERRATA SHEET
2 Deposition of: SARAH GOOLDEN
3 Re: SARAH GOOLDEN vs. HAMED WARDAK
4 Date Taken: May 5, 2023
5 Page Line # Correction Reason
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17
18 _____
19 (Signature)
20 Sworn to before me this
21 ____ day of _____, 2023.
22 _____
23 Notary Public
24

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